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1 — Access to Animas River closed after Gold King Mine spills toxic metals into water, Farmington (NM) Daily Times, 8/7/2015

http://www.daily-times.com/four_corners-news/ci_28601678/officials-declare-state-emergency-close-animas-river-san
San Juan County Executive Officer Kim Carpenter declared a state of emergency Friday night and closed access to the Animas River throughout the county.

2 — Navajo Nation, San Juan County officials continue to handle toxic waste plume, Farmington (NM) Daily Times, 8/9/2015

http://www.daily-times.com/four_corners-news/ci_28613676/navajo-nation-san-juan-county-officials-continue-handle
Officials with the Navajo Nation, San Juan County and the state of New Mexico are trying to keep residents informed about the Animas River after an estimated 3 million gallons of contaminated water was released from the Gold King Mine north of Silverton, Colo.

3 — Navajos plan to sue EPA over river cleanup, Albuquerque Journal, 8/10/2015

<http://www.abqjournal.com/625960>
The president of the Navajo Nation said Sunday that he intends to sue for “every dollar it spends cleaning up this mess” after Environmental Protection Agency employees accidentally released at least 3 million gallons of wastewater, including potentially harmful metals, into a river that breached the sovereign nation’s borders this weekend.

4 — Despite push-back, Obama aggressive on climate change, Dallas Morning News, 8/9/2015

<http://www.dallasnews.com/business/energy/20150807-despite-push-back-obama-aggressive-on-climate-change.ece>
Last Monday, President Barack Obama took his biggest step yet in establishing an environmental legacy that could make his two terms in office the most consequential for the environment — and for the U.S. energy industry — in four decades.

5 — Entergy plans going off coal at Redfield, Arkansas Democrat-Gazette, 8/8/2015

<http://www.arkansasonline.com/news/2015/aug/08/entergy-plans-going-off-coal-at-redfiel/?f=news-arkansas>
Entergy Arkansas is proposing a phaseout of coal usage at its 1,700-megawatt White Bluff coal plant in Redfield as part of adhering to the U.S. Environmental Protection Agency's draft plan for the state's compliance with visibility rules established in 1999, utility officials informed the agency Friday.

6 — Entergy Arkansas Proposes Shutting Down White Bluff Power Plant, KUAR, 8/7/2015

<http://ualrpublicradio.org/post/entergy-arkansas-proposes-shutting-down-white-bluff-power-plant>
Entergy Arkansas Inc. on Friday proposed what it called “a more reasonable, long-term, multi-unit approach to address Arkansas’ regional haze” in response to the federal Environment Protection Agency’s rejection of the state’s earlier plan to improve visibility in wilderness areas.

7 — Detail on deal for solar farm slips out: 5¢, Arkansas Democrat-Gazette, 8/6/2015

<http://www.arkansasonline.com/news/2015/aug/10/detail-deal-solar-farm-slips-out-5-20150810/>
Entergy Arkansas intends to pay a little more than 5 cents per kilowatt-hour for electricity from a proposed solar farm near Stuttgart. The amount was mentioned at a July 30 meeting of the Arkansas Public Service Commission and is one of the few details known about an agreement between Entergy and NextEra Energy Resources.

8 — SWEPCO learning its place in new federal emission goals, Shreveport Times, 8/9/2015

<http://www.shreveporttimes.com/story/money/business/2015/08/09/swepco-learning-place-new-federal-emission-goals/31394273/>

Reducing greenhouse gases is the goal of strict new regulations announced last week, and limiting reliance on coal to generate power is the means. The final federal plan is less tough on Louisiana than its draft, but power providers are still staring down impact to their generation capacity.

9 — On climate change, an interview with Science committee chiefs Lamar Smith and EBJ, Dallas Morning News, 8/7/2015

<http://bizbeatblog.dallasnews.com/2015/08/on-climate-change-an-interview-with-science-committee-chiefs-lamar-smith-and-ebj.html/>

These written interviews with Rep. Lamar Smith, R-Texas, and Rep. Eddie Bernice Johnson, D-Dallas, were conducted as part of the reporting for a broader story examining the fight in Congress, and in Texas, over the EPA's aggressive agenda under President Obama.

10 — The Clean Power Plan: Let the litigation games begin (opinion), McAllen Monitor, 8/9/2015

http://www.themonitor.com/opinion/commentary-the-clean-power-plan-let-the-litigation-games-begin/article_554f1812-3c86-11e5-9329-234c267c6938.html

Although a good, sound policy, President Barack Obama's Clean Power Plan — the rule regulating greenhouse gas emissions from existing power plants — will unleash a torrent of litigation rivaling that following the passage of the Affordable Care Act. Most major environmental rules generate legal challenges, but there are three reasons why this one will generate a litigation tsunami.

11 — Editorial: Texas should stop suing over clean power, start negotiating for the future, Longview News-Journal, 8/8/2015

<http://www.news-journal.com/news/2015/aug/08/editorial-texas-should-stop-suing-over-clean-power/>

We won't say the Texas power-producing industry is exactly on the leading edge of change, but it has been playing by the rules set forth by the state. Fortunately, it has not always followed the state's example.

12 — Small-business rep: New EPA rule will be costly to state (opinion), The Oklahoman, 8/8/2015

<http://newsok.com/small-business-rep-new-epa-rule-will-be-costly-to-state/article/5438809/?page=1>

There's no such thing as a free lunch. Someone always has to pay. Always. That's certainly the case with the Environmental Protection Agency's Clean Power Plan. While the plan certainly has support, the truth is that implementing it won't be cheap.

13 — Editorial: Reorganizing the economy to deal with global warming is an issue for Congress, not the EPA, Tulsa World, 8/9/2015

http://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-reorganizing-the-economy-to-deal-with-global/article_6de93b77-5183-59ee-913a-71a9843bd95d.html

The Obama administration rolled out an aggressive effort to battle global climate change last week, a final version of the EPA's Clean Power Plan. In the plan, EPA claims authority from the Clean Air Act to force existing power plants to reduce carbon emissions by 32 percent in 2030 compared to 2005 levels. States are given flexibility in meeting that goal, but must begin implementation by 2022.

14 — EPA issues another complicated regulation, Midland Reporter-Telegram, 8/9/2015

http://www.mrt.com/business/article_84b3d97e-3d32-11e5-b20a-83b37b219acd.html

The Environmental Protection Agency announced on Aug. 3 its final regulations on greenhouse gas emissions from power plants in each state. Called the Clean Power Plan, EPA, once again, has issued far-reaching regulations that are impossible to achieve in the real world.

15 — Another unworkable plan (opinion), Arkansas Democrat-Gazette, 8/8/2015

<http://www.arkansasonline.com/news/2015/aug/07/another-unworkable-plan-20150807/?f=opinion>

President Barack Obama has a new plan to fight global warming, and science is on his side, isn't it? No, not exactly. But wait, calculations show the economy will benefit, don't they? No, not even close--consumers will take a bath. Well, finally, the Constitution backs up the effort's legality, does it not? It does not.

16 — Grant to aid Cabot wastewater work, Arkansas Democrat-Gazette, 8/8/2015

<http://www.arkansasonline.com/news/2015/aug/09/grant-to-aid-cabot-wastewater-work-2015/>

The Environmental Protection Agency has awarded \$485,000 to Cabot for installing new wastewater-treatment equipment, according to a news release from the agency last week.

17 — Study: Corps decisions, not Orleans Levee Board, doomed canal walls in Katrina, New Orleans Times-Picayune, 8/8/2015

http://www.nola.com/environment/index.ssf/2015/08/corps_decisions_not_orleans_le.html#incart_river

Design decisions by the Army Corps of Engineers -- not actions taken by the Orleans Levee Board -- were to blame for failures of floodwalls on the 17th Street and London Avenue canals during Hurricane Katrina, according to a peer-reviewed report published Thursday.

18 — It was tooth and nail to get fluoride in water supply, San Antonio Express-News, 8/8/2015

<http://www.expressnews.com/150years/education-health/article/It-was-tooth-and-nail-in-effortsto-put-additive-6432186.php>

The fluoridation of San Antonio's water was a contentious source of debate for 15 years before its final approval by voters in 2000. For years people were afraid of adverse effects despite the benefits shown by the scientific community. Until 2002, San Antonio was the largest city in the U.S. without fluoride in its public water supply.

19 — Big problem with Amite River means bad news for boaters, freshwater fish, plant life, Baton Rouge Advocate, 8/8/2015

<http://theadvocate.com/news/13110157-123/big-problem-with-amite-river>

A man-made canal is draining the Amite River dry, and to save it, officials will have to redirect the flow. In the 1950s, the U.S. Army Corps of Engineers dug a diversion canal linking the flood-prone Amite River to Blind River. Crucially, to regulate the flow between river and canal, they built a weir — an underwater rock wall that directs most of the stream into the Amite but allows drainage into the canal during periods of high water.

20 — A balloon, camera and plastic bottle help NOLA students track wetlands' health, web magazine reports, New Orleans Times-Picayune, 8/8/2015

http://blog.nola.com/new_orleans/2015/08/a_balloon_camera_and_plastic_b.html#incart_river

Travis Haas' academic studio students at the New Orleans Center for Creative Arts are using a plastic soda bottle, helium balloons and a camera to track the health of the wetlands in the New Orleans area, Slate reported.

Access to Animas River closed after Gold King Mine spills toxic metals into water

By Dan Schwartz The Daily Times

Updated: 08/08/2015 01:41:43 PM MDT

Daily-
Times.com



Gerald Gonzalez, of Farmington, expresses concern on Friday about the plume in the Animas River while standing on a bridge on U.S. Highway 550 near La

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- Navajo Nation President Russell Begaye to declare state of emergency
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- Mine waste in Animas River reaches Farmington
- Aug 7:

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- Officials: EPA mishandled Silverton mine pollution discharge
- Aug 6:
- Colorado mine spills pollution into Animas River

AZTEC — San Juan County Executive Officer Kim Carpenter declared a state of emergency Friday night and closed access to the Animas River throughout the county.

Earlier in the day, Environmental Protection Agency officials said they suspect toxic metals are suspended in a plume of mustard-colored pollution washing down the river. On Wednesday morning, an EPA team investigating the Gold King Mine north of Silverton, Colo., breached a wall of sediment releasing at least 1 million gallons of contaminated water. An orange mass of pollution then washed down a creek in the mining town that feeds the Animas River.

EPA officials said late Friday that the plume likely contains arsenic, lead, zinc, copper, aluminum and cadmium, but they were unable to confirm the amounts. The agency has come under fire for waiting nearly 24 hours before notifying impacted communities of the release.

Officials will hold a public meeting to discuss the river contamination at noon today in the Farmington Civic Center, 200 W. Arrington St.

Martin Hestmark, assistant regional administrator for EPA Region 8, said in an interview that probably a "couple hundred" gallons a minute are still seeping into the river. "That's my guess," he said.

New Mexico Environment Department Cabinet Secretary Ryan Flynn said the mine is a federal Superfund site — which means it is severely contaminated — and he said estimates of the amount of contaminated water released will increase.

"I can tell you that it was much more than a million gallons," he said in a briefing Friday evening in Aztec. "The amount of contamination that was visible today — it was staggering."



The Animas River flows on Friday near the Colorado-New Mexico line. The river is contaminated with toxic metals.

State and local officials who flew above the river in a helicopter estimated the trail of pollution was more than 45 miles long. But they turned back before they reached the mine because they needed to refuel.

Meanwhile, EPA officials are trying to catch the leaking mine waste in a pond near the mine to treat it before more of it reaches the river. The surge that spilled through the breach had a pH of 4.5, which is slightly acidic.

State and local officials expected the plume would pass through Aztec midnight Friday and Berg Park in Farmington by 7 a.m. today.

A San Juan County Sheriff's Office helicopter has been flying over the river about every 30 minutes to track the plume's movement. Officials estimated it is moving at about 1 to 2 miles an hour.

Farmington and Aztec shut down pipes that pump water from the Animas River to water treatment plants, and officials say both cities have weeks of stored water.

Flynn said residents who drink from wells within floodplains should test their water before bathing in it or drinking it. A floodplain map can be found at sjcoem.com.

Environment department staff will test water samples brought in by residents at the San Juan County Fair from Monday through Saturday for free. However, department spokeswoman Allison Scott Majure said the number of test kits are limited.



A plume of suspended toxic metals flows down the Animas River

San Juan County has set up potable water stations for residents at Center Point Fire Station No. 1 at 16 Road 2755, Flora Vista Fire Station No. 1 at 2 Road 3275 and Valley Fire Station No. 4 at 4 Road 6200, according to a press release from the city of Farmington.

The stations will be open from 9 a.m. to 10 a.m. and 5 p.m. to 6 p.m. today and Sunday.

Residents must bring water containers

south of Durango, Colo., on Friday.

and no large tanks will be allowed,

according to the release.

State, municipal and tribal officials ask that people and their pets avoid contact with the river, not allow livestock to drink its water and not catch fish until further notice. State officials ask that ditch users not draw water from ditches.

Federal, state and local officials are sampling the rivers in different spots to determine contamination levels.

Navajo Nation officials Friday afternoon issued a precautionary notice for the San Juan River, downstream from its confluence with the Animas River in Farmington. Drinking water is "unaffected" from the Beclabito, Gadii'ahi, Nenahnezad, San Juan, Shiprock, Tsé Daa K'aan and Upper Fruitland chapters, according to the notice.

"There's no immediate threat to the drinking water for all communities along the San Juan River," said Merle Chischilly, a senior environmental specialist with the Public Water Systems Supervision Program in the Navajo Nation Environmental Protection Agency. He said those communities are using water from the city of Farmington.

Navajo Nation Council Speaker LoRenzo Bates said in a statement that county officials notified his office about the spill.

"Although the U.S. EPA continues to state that the contamination does not pose detrimental threats, I strongly urge nearby chapters and our people who reside near the San Juan River to refrain from using the water for any purposes until a thorough evaluation is completed," Bates said.

The speaker added that Navajo Agricultural Products Industry officials have said the spill will not adversely impact water delivery from the Navajo Indian Irrigation Project because it does not receive water from the Animas River.

Before the EPA released more detailed information about the spill, Navajo Nation President Russell Begaye criticized the agency's inability to provide information about the contaminants.

"We are demanding from the U.S. EPA an immediate release of detailed information on the type of contaminants that is flowing into the river from the Gold King Mine. This is an all too familiar story on the lax oversight responsibility of the U.S. government," Begaye said.

Don Dufur, an Aztec resident, started following the orange plume down the river at 11 a.m. Friday after hearing about it on the news. He was one of about a dozen people standing on a bridge over the Animas River in Cedar Hill waiting for the plume to come into sight.

"I live down here on the river bottom," he said. "I have animals. I have a well for my house."

He said he depends on the Animas River.

Dufur currently has bottled water to drink while he determines whether his well is contaminated.

"You plan for the worst, hope for the best," he said.

Shane and Amy Dickson stood on another Cedar Hill bridge upstream from where Dufur was waiting and watched as the orange plume mixed with the blue-green water.

The onlookers pointed to a place where people would jump into the river from some rocks. In the deep water the color changed more slowly, but soon it also was orange.

The Dicksons live in Cedar Hill and depend on well water.

Their family has been in Cedar Hill for the past 30 years and have never before needed to ration water.

"I don't think we have a 90-day supply, but we're OK for now," Amy Dickson said.

State and county officials had blasted the EPA earlier in the day saying its response to the spill was irresponsible and cavalier. Many officials said the EPA downplayed the event Wednesday and Thursday.

In a meeting in Durango Friday afternoon, EPA Region 8 Administrator Shaun McGrath said the spill was a "disaster." Dave Ostrander, EPA Region 8 Director of Emergency Preparedness, Assessment and Emergency Response, said it is a "huge tragedy."

"First off," Ostrander said, "I'd like to say I'm very sorry for what's happened."

Dan Schwartz covers government for The Daily Times. He can be reached at 505-564-4606.

Noel Lynn Smith and Hannah Grover contributed to this report.

Navajo Nation, San Juan County officials continue to handle toxic waste plume

By Joshua Kellogg The Daily Times

Updated: 08/09/2015 11:16:47 PM MDT

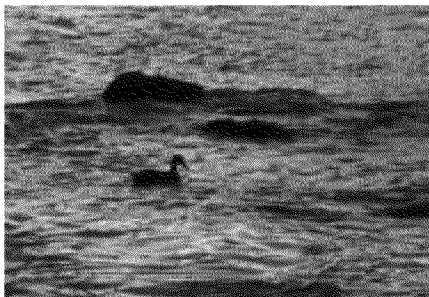
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FARMINGTON — Officials with the Navajo Nation, San Juan County and the state of New Mexico are trying to keep residents informed about the Animas River after an estimated 3 million gallons of contaminated water was released from the Gold King Mine north of Silverton, Colo.

The plume of toxic waste passed through San Juan County on Saturday, heading west. It was expected to hit the Colorado-Utah border at about 5 a.m. Monday, according to estimates from the San Juan County Geographical Information Systems department.

Supervisor Evan O'Keefe said he estimated the plume was about 45 miles west of Farmington and about 13 miles south of the New Mexico-Colorado border at about 9 p.m. Sunday.



A duck swims Sunday along the Animas River at Berg Park in Farmington. The plume of contaminated water passed through San Juan County on Saturday.

Throughout San Juan County, access to the Animas River is still closed, said County Executive Officer Kim Carpenter on Sunday afternoon. Officials advise residents with wells in the floodplains of the Animas River and the San Juan River downstream of the confluence of the two rivers to have their water tested before using it for cooking, drinking or bathing.

Carpenter said the biggest obstacle is providing drinking water for residents and livestock.

People and their pets should avoid contact with the river, livestock should not be allowed to drink the water and people should not catch fish in the river. Carpenter also instructed people to avoid contact with wildlife along the river in Berg Park.

Local officials — as well as representatives from the San Juan County Office of Emergency

Management, the Environmental Protection Agency and the New Mexico Environment Department — will host daily meetings to update the public on the river. The meetings will be at 6 p.m. Monday through Friday at the Farmington Civic Center, 200 W. Arrington St.

"We hope (Monday) to have some pretty good data we can share," Carpenter said. "That's what we are working on now."

Carpenter also voiced frustration about the delay in getting information about the chemicals in the water. The data, he said, will "give us a big picture of what we are going to deal with and the long-term effects we will have to deal with."

Also on Sunday afternoon, the Navajo Nation Commission on Emergency Management declared a state of emergency in response to the contamination. The declaration went before Navajo Nation President Russell Begaye for approval, said Rick Abasta, spokesman for the president. Begaye had not signed the declaration as of 10 p.m., Abasta said.

The declaration allows using tribal resources for an incident command center in the Shiprock Chapter.



Valley Fire Department Capt. Zachary Trujillo talks about providing potable water on Sunday at the Valley Fire Department Station No. 4 in Kirtland.

On Sunday evening, Begaye and Vice President Jonathan Nez attended a public meeting in Durango, Colo., after touring the Gold King Mine site.

Begaye told attendees his office will be aggressive in "putting (the EPA's) feet to the fire."

Nez said he felt like crying when he saw the mustard-yellow water stain in the river.

"Water in our region is very important," he said. "It doesn't matter if you are Navajo, if you are Hispanic, if you are

Anglo. We are all part of this river basin. Now, we are looking upon the EPA with frustration."

Nez said the pollution will affect farming, drinking water and livestock on the Navajo Nation.

"A lot of livestock utilize the water," he said. "What are we supposed to do? Stand guard 24 hours to keep our livestock from drinking the water?"

The Shiprock Chapter on Sunday evening voted on three resolutions related to the contaminated water, said Shiprock Chapter President Duane "Chilli" Yazzie in a phone interview. Yazzie said the resolutions approve the declaration of emergency, request "urgent action" before the United Nations and thank tribal leaders and the incident command team.

Yazzie added that the incident command team has been helping residents and livestock along

the San Juan River and has set up locations for people to fill water tanks.

"One of the biggest concerns we have, you can't very well manage livestock that are used to going to the river," Yazzie said.

He also expressed concern about tribal farmers and access to irrigation water.

"We're resigned to the fact that we will not get any irrigation water through our systems for the rest of the season," Yazzie said. "We're just accepting the fact that we have to face losing our crops. That is totally devastating to many, many families. It's very heartbreaking."

On Sunday morning, people walking the trails at Farmington's Berg Park echoed those sentiments, saying the contamination of the water was sad and disappointing.

Farmington resident Elton Daniels said he felt hopeless when he looked at the river after seeing photographs of it.

"I think it's going to have a damaging effect on the water we use," he said.

Officials have set up several potable water stations throughout the county for residents and RV and livestock owners to use.

Owners of RVs and livestock can fill their tanks at 201 W. Chaco St. in Aztec, next to City Hall and the Aztec Police Department. Residents need to bring their own containers and are asked to keep tanks to 100 gallons or less.

Valley Fire Department Capt. Zachary Trujillo said that on Sunday he answered questions from concerned residents about where to go if they run out of water, but no one filled containers on Saturday or Sunday.

"We might have a few more people as the week progresses on and we get the word out throughout the community," Trujillo said.

Officials at Farmington Fire Station No. 6 also said no one showed up to the water station on Sunday.

New Mexico Environment Department spokeswoman Allison Scott-Majure said water testing has not yet been performed in San Juan County. The department will provide free water testing from 10 a.m. to noon Monday at the San Juan County Sheriff's Office substation in Lee Acres, 21 County Road 5500 in Farmington.

The shower facilities at the McGee Park Convention Center and National Guard Armory in Farmington will open at 9 a.m. Monday. To use the McGee Park shower facilities, stop by the sheriff's office substation and ask for a shower pass.

POTABLE WATER STATIONS

- Bloomfield Fire Station, 911 N. First St. Open from 9 a.m. to 9 p.m. Monday through Friday.

- Farmington Fire Station No. 6, 3101 W. Main St. Open from 6 to 7 p.m. Monday throughout Friday.
- Sycamore Park Community Center, 1051 Sycamore St., Farmington. Open from 6 to 7 p.m. Monday through Friday.
- Center Point Fire Station No. 1, 16 County Road 2755. Open 6 to 7 p.m. Monday through Friday.
- Flora Vista Fire Station No. 1, 2 County Road 3275. Open 6 to 7 p.m. Monday through Friday.
- Valley Fire Station No. 4, 4 County Road 6200. Open 6 to 7 p.m. Monday through Friday.

Joshua Kellogg covers education for The Daily Times. He can be reached at 505-564-4627 and jkellogg@daily-times.com. Follow him @jkelloggdt on Twitter.

Navajos plan to sue EPA over river cleanup

Patrick Lohmann / Journal Staff Writer

The president of the Navajo Nation said Sunday that he intends to sue for “every dollar it spends cleaning up this mess” after Environmental Protection Agency employees accidentally released at least 3 million gallons of wastewater, including potentially harmful metals, into a river that breached the sovereign nation’s borders this weekend.

The orange plume of wastewater, which slowly crawled down the San Juan River after gushing out of a Colorado mine on Friday, has already forced many reservation residents in New Mexico and Utah to cease watering their crops and livestock, shut down at least two drinking water wells and required them to avoid the river entirely, said Rick Abasta, communications director for Navajo tribal leadership.

The nation on Sunday also took steps to formally declare a state of emergency for the reservation, warning of potential environmental and other damage. The declaration was waiting for the president’s signature as of Sunday evening.

“The EPA was right in the middle of the disaster and we intend to make sure the Navajo Nation recovers every dollar it spends cleaning up this mess and every dollar it loses as a result of injuries to our precious Navajo natural resources,” president Russell Begaye said in a news release. “I have instructed Navajo Nation Department of Justice to take immediate action against the EPA to the fullest extent of the law to protect Navajo families and resources,” he added.

New Mexico officials said the plume was beginning to dissipate, and preliminary data released by the EPA on Sunday showed that the levels of metal at various checkpoints along the Animas river in Colorado, including arsenic and lead, diminished within several hours.

However, state environment department officials said Sunday that they still need much more information and were only beginning to examine the data.

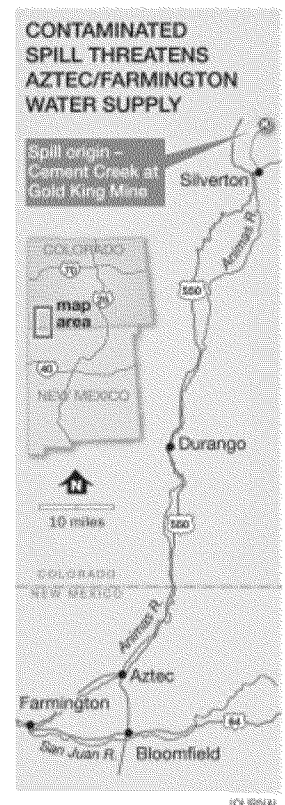
Also, federal and state officials said Sunday that a major potential problem could be the potentially hazardous sediment that sinks to the bottom of the river as the plume passes and that could be kicked up again in flooding or weather events.

An Environmental Protection Agency official said Sunday she doesn’t believe wildlife will suffer significant health impacts from the large volume of wastewater that spilled from an abandoned mine in southwestern Colorado.

The EPA also said Sunday that the amount of wastewater that spilled from Colorado’s Gold King Mine into the Animas River is three times larger than its initial estimate. The agency says 3 million gallons spilled into the river Wednesday and Thursday, instead of 1 million. The revision came after the EPA used a stream gauge from the U.S. Geological Survey.

EPA toxicologist Deborah McKean says the sludge laced with heavy metals moved so quickly after the spill that it would not have harmed animals that consumed it.

The EPA still doesn’t know if there are any health risks posed to people or aquatic life.



Trais Kliphuis, water protection division director for the State Environment Department, said New Mexico officials have been concerned with what they said was a slow rollout of information and unclear leadership in charge of coordinating the response.

She said the department will have employees outside the San Juan County fair providing information about the plume and has created a list of all the wells within 1.5 miles on either side of the river. Employees will also go door to door, environment officials said, to offer to sample wells in or around the river's floodplain.

The wastewater spilled from the Gold King Mine on Friday when an EPA-supervised cleanup crew accidentally breached a debris dam that had formed inside the mine. The mine had been inactive since 1923. The EPA's stated intention was to assess the on-going wastewater releases from the mine, to treat the water and to consider the feasibility of continued treatment for the Gold King Mine and others nearby that contain similar reservoirs of wastewater.

Kliphuis said the state environment department was aware that some of the wastewater was trickling out of the mines in Colorado but that a deluge of this sort was impossible to predict.

"We were aware that there was a trickling, that there was some interesting hydrogeology going on there," she said. "... But nobody could have predicted this. It was unprecedented."

The plume reached the northern New Mexico cities of Aztec on Friday night, Farmington on Saturday morning and Kirtland on Saturday afternoon. The plume has been visually diluted and the leading edge of it is far less defined.

No health hazard has been detected yet. In addition to lead and arsenic, federal officials say the spill contains cadmium, aluminum, copper and calcium, but the concentrations were not yet known.

Water samples were also tested in New Mexico, and results are expected to be found early this week. The Animas flows into the San Juan River in New Mexico, and the San Juan flows into Utah, where it joins the Colorado River in Lake Powell.

At least two of the heavy metals, lead and arsenic, found in the waste water can be lethal for humans with long-term exposure.

The Associated Press contributed to this report.

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Despite push-back, Obama aggressive on climate change



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By **MICHAEL A. LINDENBERGER** and **SYLVAN LANE**

WASHINGTON BUREAU

Published: 07 August 2015 02:09 PM

Updated: 09 August 2015 11:20 PM

WASHINGTON — Last Monday, President Barack Obama took his biggest step yet in establishing an environmental legacy that could make his two terms in office the most consequential for the environment —

and for the U.S. energy industry — in four decades.

But unlike the 1970s, when President Richard Nixon created the Environmental Protection Agency and President Jimmy Carter the Environmental Protection Agency and the Department of Energy, Obama has pushed his agenda with little support, or even the involvement, of Congress. He's done so almost entirely through authority granted to the EPA by an all-but-unanimous Congress decades ago and upheld in most respects by subsequent Supreme Court decisions.

Matched against his aggressive agenda has been equally furious push-back by Republicans in Congress. Leading the fight has been San Antonio U.S. Rep. Lamar Smith, a Southern Methodist University-trained lawyer and Yale graduate who has used his perch atop the House Science committee to wage war with the EPA like few others have.

“The Environmental Protection Agency has released some of the most expensive and expansive regulations in its history,” Smith said at July 9 hearing featuring EPA Administrator Gina McCarthy. “These rules will cost billions of dollars, burden American families and diminish the competitiveness of American industry

around the world.”

Texas on center stage

Smith, 67, a former reporter for the *Christian Science Monitor*, earned a reputation as one of the most effective legislators in Congress during a previous tenure as judiciary committee chairman. He became Science committee chairman in 2013, succeeding Rep. Ralph Hall, another Texan who had put the EPA in his sites. Since then, Smith has held 21 hearings related to the EPA.

His committee has also passed 18 bills, the second-most in this Congress. Most of them relate to the EPA, to science or more broadly to environmental concerns.

That focus on legislation has made him a good leader, committee member Al Grayson, D-Fla., said in an interview. But he added, “On the issue of climate change, I pretty much see eye-to-eye with Al Gore.”

“He has made the committee productive,” Grayson said. “He tells people we’re here to pass legislation.”

Smith’s committee, which oversees the EPA, NASA and other federal agencies that together spend \$39 billion a

year, has been successful in passing bills, as the GOP-led House has been in general since taking over in 2011. But that doesn't always provide a good measure for success, given that a bill has to survive the Senate and the White House before it becomes law. In the last Congress, for instance, more than 400 bills passed the House, only to die without a vote in the Democrat-led Senate.

That's begun to change, though slowly.

Of the 18 bills passed in Smith's committee, the full House passed 15. Of those, just one has passed the Senate, though with changes. None has been signed into law by the president.

The '70s

All that is a marked change from the 1970s, when Nixon, a Republican, signed some of America's most ambitious environmental laws, including one that created the Environmental Protection Agency.

Democrats controlled all of Congress the entire decade, and the Clean Air Act of 1970 and the Clean Water Act of 1972 passed overwhelmingly.

Later in the decade, Carter created the Department of

Energy and oversaw major revisions to the landmark environmental legislation.

The auto industry and others strongly opposed the bills. In 1970, lobbyists significantly weakened a House bill that passed with only a single no vote. But in the Senate, the bill was managed by Sen. Edmund Muskie, later Carter's secretary of state, and a Republican ally, Sen. Howard Baker of Tennessee.

Former Muskie chief of staff Leon Billings said last week that both the 1970 and the 1972 bills were the product of a Congress that would be almost unrecognizable today.

"Senators deferred to the knowledge, expertise and consensus of their colleagues who had devoted a great deal of time with an issue," recalled Billings, who was credited as the lead staff author of the bills. "Senators of stature who did their homework were deferred to."

Members of both parties sought to work together.

"Comity. The Democrats and the Republicans on the committee constantly used that term to describe the need to find a middle ground," he said.

The tougher Senate version of the Clean Air Act passed

Sept. 22, 1970, by a vote of 73-0.

Anti-science?

That comity is harder to find in today's Congress, no matter which party is in charge. But it's especially true with regard to energy and climate change.

Nearly every Texas Republican has been outspoken against the EPA and any effort to curb the energy industry. But it has been Smith, in his role as committee chairman, who has spent the most time railing against what he called the "climate change religion" in a *Wall Street Journal* op-ed earlier this year.

"The president says there is no debate," he said in a hearing in May 2014. "Actually, the debate has only just begun. When assessing climate change, we need to make sure that findings are driven by science, not an alarmist, partisan agenda."

For U.S. Rep. Eddie Bernice Johnson, D-Dallas, that opposition to the climate change consensus amounts to a dereliction of duty by Smith and the Republican leader who appointed him chairman. Johnson, the top Democrat on the panel, says Congress seems intent on ignoring climate change.

“It’s impossible, frankly, for a sensible, scientific, educated person to go along with the direction he’s carrying this committee,” said Johnson in spring.

“My relationship with him is good. I’ve just never had anybody who’s so anti-science.”

She said the challenge goes beyond Smith’s handling of the committee. Fighting for climate change legislation means fighting for Texas.

“The long-term health and security of Texans is what’s at stake,” Johnson said. “The impacts of climate change are already being felt.

“For example, 2015 is currently the wettest year on record in Texas. The heavy rains have caused intense flooding and damage across the state. Without addressing climate change, scientists are expecting heavy rain events like these to become more common,” she said.

U.N. reports in 2013 and 2014 confirmed that climate change has produced more rain and higher average temperatures. It was less conclusive on other claims often made by EPA and its supporters linking the warming to more severe storms like Hurricane Sandy

and found no support for additional droughts in North America.

For Smith, the greater uncertainty is the degree to which mankind has accelerated the changes in the climate.

“While the Obama administration pretends to know exactly how much human actions contribute to the changing climate, the truth is there are more questions than there are answers,” Smith said.

“As the climate changes, certain regions could be negatively impacted. But there is a significant amount of uncertainty surrounding climate change predictions. Facts should guide our nation’s policies, not climate change alarmists or science fiction.”

The Clean Power Plan, he said, would simply do too little to help stave off climate change to justify the costs it will impose on businesses and consumers of energy.

“If implemented, [it] would reduce global temperatures by only 0.01, or one one-hundredth of a degree Celsius. ... As a result of the rule, energy costs for Texans could increase by up to 20 percent in 2020. That is the definition of all pain, no gain.”

Business's role

One thing that hasn't changed since the 1970s is that businesses exert tremendous influence on lawmakers to stave off federal environmental mandates. The Clean Power Plan and other EPA initiatives is no different.

Most industries give heavily to either the Democrats or the Republicans — or both. But, Johnson said, the oil and gas industry can be especially persuasive to Texas lawmakers, given the outsize role the industry has at home.

“I can't truly speak to the Republicans' motivation, but I fear that they may be unduly influenced by the oil and gas industry,” she said. “Being from Texas myself, I understand and appreciate the benefits these industries bring in terms of jobs and economic growth.

“However, I'm also quite familiar with the environmental and public health problems that accompany oil and gas production. Unfortunately, in recent years I've seen too many attacks by some in the majority in the House of Representatives on anyone who points out the negative effects of fossil fuel development.”

She said the industry should welcome much of the president's agenda because of its doubled-down focus on renewable fuels, which has helped birth new investments — and jobs — in industries that previously were all but unknown in Texas.

Economist Charles Kolstad, a senior fellow at the Stanford Institute for Economic Policy Research, helped write the U.N.'s global study on how to mitigate climate change. He studies its effect on industry. Kolstad says oil companies and others spending heavily to stave off federal mandates know well the benefits to be had from a switch to renewable fuels.

“The big oil companies are certainly looking out into the future, and they know what is coming,” Kolstad said.

“Greater regulation is coming, and companies know they are going to have to come to terms with that.

“But they want the law written in their favor. That's understandable.”

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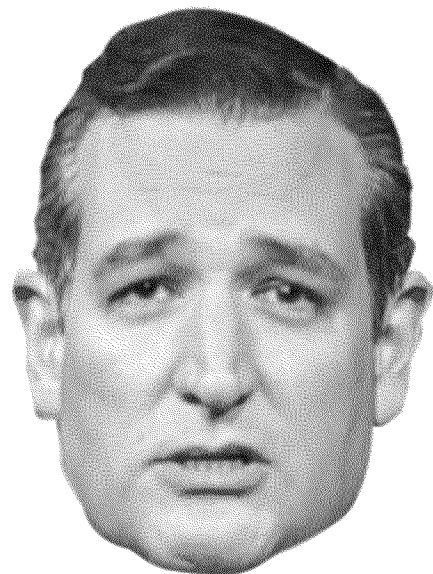
Climate Change: Point/Counter

Point

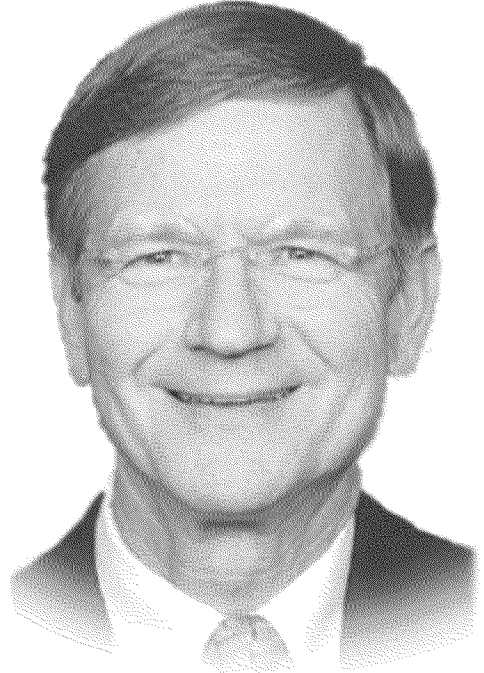
Climate change — and our role in speeding it — has gained widespread acceptance by scientists, environmentalists and many Texas businesses who view it as a fundamental threat to health and the economy. But that view is not shared by the most prominent elected leaders in Texas, the nation's leader in energy production and its related carbon pollution. Texas leaders, like most Republican officials nationwide, have repeatedly disputed the science that shows the planet is warming, and argued against efforts to mandate limits on greenhouse gas emissions.

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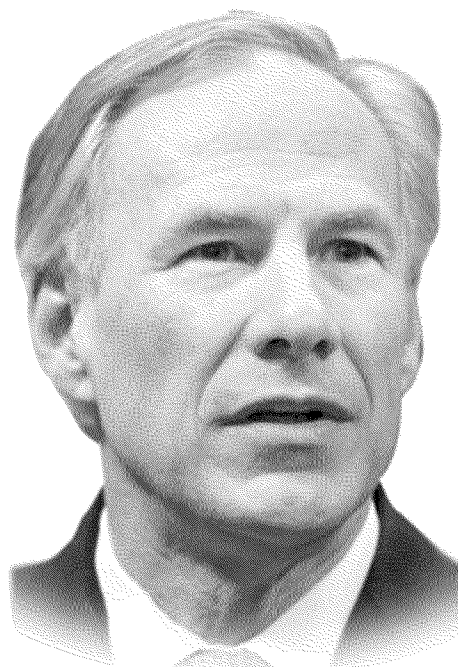
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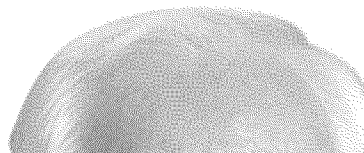
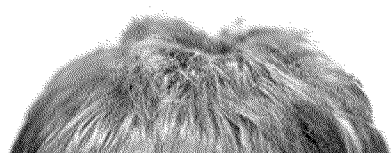
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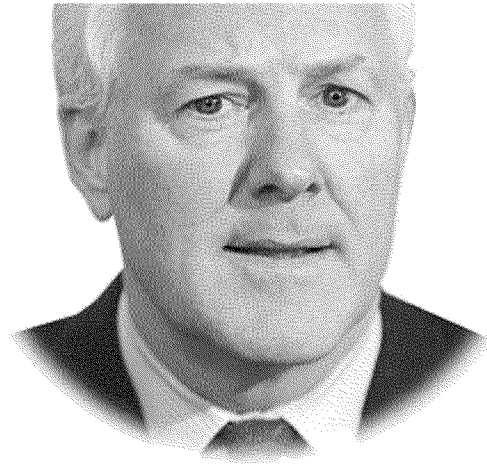


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Entergy plans going off coal at Redfield

EPA gets proposal for plant to start shutting down units early, in 2027

By Emily Walkenhorst [Twitter](#)

This article was originally published August 8, 2015 at 4:01 a.m. Updated August 8, 2015 at 4:01 a.m.



PHOTO BY BENJAMIN KRAIN

The smokestack (right) at the coal-fired White Bluff power plant near Redfield sends up a column of smoke as steam rises from the plant's cooling towers in this 2009 photo.



A coal train stops at the White Bluff power plant near Redfield for a delivery in June 2014. Coal-fired power plants across the country have been closing...



Entergy Arkansas President and CEO Hugh McDonald

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Entergy Arkansas is proposing a phaseout of coal usage at its 1,700-megawatt White Bluff coal plant in Redfield as part of adhering to the U.S. Environmental Protection Agency's draft plan for the state's compliance with visibility rules established in 1999, utility officials informed the agency Friday.

Company officials estimate they're facing a \$1.1 billion cost of compliance with the Regional Haze Rule -- passed by Congress 16 years ago as a part of the Clean Air Act -- if they don't cease using coal at the plant.

They've proposed closing the first unit in 2027 and the second in 2028, earlier than the previously

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expected lifetime of the facility, which is estimated to last into the early 2030s.

"There's just too much uncertainty today for us to spend \$1 billion on [emissions-reducing] scrubbers," President and CEO Hugh McDonald said Friday from an Entergy Arkansas conference room in Simmons Tower Building. "That would be the absolute worst decision for customers."

Switching to increasingly popular options such as natural gas, solar and wind power could be cheaper for the company -- and potentially ratepayers -- but exactly how much Entergy Arkansas would invest in those energy sources is yet to be determined.

While the announcement is a step in the constant planning process for Entergy Arkansas officials, it is also welcome news for environmentalists, who have lobbied for changes to the scrubberless White Bluff plant and investment in renewable energy.

"I congratulate them on making the right decision here," said Glen Hooks, director of the Arkansas chapter of the Sierra Club. "This is a big step for an Arkansas utility."

Entergy Arkansas is the principal owner -- 57 percent -- of the White Bluff plant. The Arkansas Electric Cooperative Corp. owns 35 percent, and the cities of Jonesboro, Conway and West Memphis own the remaining 8 percent.

"While on the one hand you can't justify the investment of the billion dollars, it's also sad not to be able to get the full life out of the plant that your members and ratepayers have paid for and continue to pay for," said Sandra Byrd, Arkansas Electric Cooperative Corp.'s vice president for public affairs and member services.

Closing the coal plant in favor of natural gas, renewables or a combination of the two would reduce emissions related to haze, along with providing a significant reduction in carbon dioxide emissions, which are the target of the final EPA Clean Power Plan unveiled Monday.

The Regional Haze Rule targets visibility at certain national wildlife and recreation areas by mandating lower sulfur dioxide and nitrogen oxide emissions at facilities determined to be large contributors to haze, such as coal plants.

Haze occurs when light passes through particles that absorb light rather than spread it, including sulfates, nitrates, organic carbon, black carbon and windblown soil.

Visibility has improved at these sites over the years, but state and federal implementation plans for reducing regional haze are a part of the process of meeting certain goals by 2064.

The Regional Haze Rule for Arkansas targets pollution at the Caney Creek and Upper Buffalo River wilderness areas and two spots in Missouri: the Hercules-Glades Wilderness Area and the Mingo National Wildlife Refuge.

When Caney Creek and the Upper Buffalo River last were measured for haze, they came in at 26.36 deciviews and 26.27 deciviews, respectively. The EPA goal is to reduce haze to 11.58 deciviews for Caney Creek and 11.57 deciviews for the Upper Buffalo by 2064 by reducing sulfur dioxide and nitrogen oxide levels.

The EPA estimates that the White Bluff plant contributes 3,323 deciviews of haze to Caney Creek, 2,325 to Upper Buffalo, 2,101 to Hercules-Glades and 1,79 to Mingo.

Entergy Arkansas' proposal aligns with decisions made in other states to comply with the Regional Haze Plan, including two in its own EPA Region: Oklahoma and New Mexico.

Public Service Co. of Oklahoma has opted to shut down its more than 950-megawatt coal plant in two shifts by 2026 and has entered purchase agreements for 250 megawatts of natural gas and 600 megawatts of wind. Cheap wind prices caused the company to invest in three times the amount of wind it had initially planned for.

Oklahoma Gas and Electric has alternatively opted for converting two units at its Muskogee plant to natural gas and retrofitting two units in Red Rock with scrubbers. The utility is proposing before the Oklahoma Corporation Commission to spend \$700 million on environmental upgrades.

Public Service Co. of New Mexico reached an agreement with the state and EPA to shut down two of its four units at its San Juan coal plant in lieu of spending millions of dollars on retrofitting them.

"We've made the best out of the situation, and we think we've positioned ourselves very well to respond to the EPA Clean Power Plan," said Ryan Flynn, secretary of New Mexico's Department of Environmental Quality.

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Coal plants across the country have been rapidly closing in the past decade, coinciding with a successful national Sierra Club campaign to oppose them called Beyond Coal. The Beyond Coal campaign keeps a ticker on its website that now advertises 200 plants retired and 323 to go. Additional federal regulations have pressured their closure.

From Entergy Arkansas' perspective, the White Bluff plant -- along with the rest of the company's facilities -- is constantly being analyzed as it relates to energy prices, future regulations and long-term viability.

Employees can normally see the White Bluff plant from the south-facing side of Entergy's leased office space in the Simmons Tower Building, including through the window of the south-facing 29th-floor conference room.

On Friday, they couldn't.

"It's unusually hazy today," McDonald said, standing from his chair to peer outside. "You can usually see it."

McDonald and other Entergy Arkansas officials said Friday that investment in replacement energy sources and temporary means of lowering sulfur dioxide and nitrogen oxide emissions would take place in the years leading up to the closure of the White Bluff plant's two units by 2028.

Those investments include installing low-nitrogen oxide burners and switching to coal with lower sulfur content, McDonald said. But the cost of purchasing that coal compared with the type now used won't cost that much more, he said.

The larger investments will be in replacement energy, which McDonald said could be natural gas, solar or wind, and would coincide with continued use of the coal plant. That means ratepayers could be paying for both at once, but only if the Arkansas Public Services Commission approves utility bill increases.

Future federal government incentives for alternative energy to coal could play a role in determining future power sources and the cost of them. Incentives proposed to go along with the Clean Power Plan issued Monday to curb carbon dioxide emissions favor solar and wind generation.

Solar and wind generation are less appealing to McDonald because of their position in the electricity grid. Natural gas can work anytime, like coal, he said.

Economists have argued that wind and solar power are most viable when produced in an abundance and stored in an electricity grid that rendered still or cloudy days moot.

The EPA's original March proposal for complying with the Regional Haze Rule advised Entergy to install dry scrubbers for sulfur dioxide and nitrogen oxide at the plant for an estimated cost of \$400 million. Company officials believe the cost will be closer to \$1.1 billion.

Entergy Arkansas has considered installing scrubbers at White Bluff since 2008 and originally believed they were the right decision. But numerous factors, including other federal regulations, have made scrubbers less appealing.

The EPA's proposal also includes installing the same scrubbers on the similarly sized Independence coal plant in Newark, but Entergy Arkansas' comments submitted Friday continue to object to that plant's inclusion in the proposal. Officials argue that it is not required to be regulated until the next Regional Haze Plan phase-in, the planning for which begins in 2018.

The EPA has argued that including the plant is ideal toward achieving haze goals because of its high amount of uncontrolled emissions.

If the Independence plant is not removed from the plan, Entergy Services Assistant General Counsel Kelly McQueen said, the company would appeal the decision.

Together, the White Bluff and Independence plants contributed 17 percent of the company's 21 million megawatt hours generated in 2014.

The White Bluff plant employs just more than 100 people.

McDonald said jobs would remain but that they would be different in the future.

Hooks, the local director of the Sierra Club, is still lobbying for the inclusion of the Independence plant in the EPA's proposal, hoping it will lead to the plant's eventual closure.

"It makes absolute sense to shut down Independence," he said. "It's going to affect our environmental health and public health in a positive way."

While visibility is the target of the Regional Haze Rule, people have advocated for it locally for

health reasons.

The Clean Air Task Force estimated 90 deaths, 60 hospitalizations and 112 heart attacks were related to particulates -- including sulfur dioxide and nitrogen oxide -- in Arkansas in 2012.

Hooks said Entergy Arkansas has been a "semi-responsible" utility when it comes to the environment, as far as utilities go.

He said Arkansas' political leadership and climate were very much opposed to environmental regulations, but Entergy Arkansas has approached them in a much more "nuanced and complex way."

"I think they know what's up," he said, referring to long-term trends toward clean energy.

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Entergy Arkansas Proposes Shutting Down White Bluff Power Plant

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Entergy's White Bluff power plant near Redfield.

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Entergy Arkansas Inc. on Friday proposed what it called “a more reasonable, long-term, multi-unit approach to address Arkansas’ regional haze” in response to the federal Environment Protection Agency’s rejection of the state’s earlier plan to improve visibility in wilderness areas.

The proposal comes only days after the EPA on Monday released its final rules on President Obama’s far-reaching and controversial “Clean Power Plan,” putting the nation on track to cut carbon pollution from the power sector 32% below 2005 levels by 2030.

“It is a lot to take in, and we are still taking it in,” said Hugh McDonald, President and CEO of the state’s largest utility. “But, we think our (regional haze) plan is in our customers’ best long-term interest.”

In the Arkansas utility’s response to the EPA, Entergy’s proposal calls for the eventual shutdown of its coal-fired operations at the White Bluff Electric Station in Jefferson County, instead of a more costly plan to install scrubbers atop the smokestacks of the sprawling power plant near Redfield by 2021.

According to McDonald, the proposed haze controls for the White Bluff power plant does not warrant an investment of over \$2 billion in scrubber technology at the plants. Under the Entergy Plan, he said the utility would cease all coal-fired operations at the two coal-fired units in 2027 and 2028.

Entergy also makes the case that scrubbers are not necessary for the utility's Independence Steam Electric Station in Independence County because the state had already made "reasonable progress" toward better visibility conditions that the EPA had previously approved.

"Based on the negligible visibility benefit from installing scrubbers at Independence, the cost of the controls is an astounding \$1.33 billion to \$1.53 billion per ... improvement," Entergy said in its 57-page filing. "Scrubbers at Independence are simply not necessary to ensure that visibility in Arkansas' Class I areas remains below the (glide path), nor are they justifiable based on EPA's own analysis of the visibility benefits resulting from such a huge investment."

The proposal was part of Entergy's deadline filing today in response to the EPA's proposed guidelines that were published in the Federal Register on April 8 rejecting a portion of the Arkansas Department of Environment Quality's regional haze plan, called Best Available Retrofit Technology, or BART.

In April, EPA representatives from the federal agency's regional office in Dallas spent an entire day in Little Rock listening to comments from Arkansans on the pros and cons of the federal agency's proposed rules to clean up haze in the state's national parks and wilderness areas. Friday was the EPA's extended deadline to response to the federal mandate.

The EPA said the state plan should have made "reasonable progress" toward protecting the Arkansas Buffalo National River, Ouachita National Forest and Caney Creek wilderness area from haze and the harmful effects of pollution. The proposed guidelines also address "downwind" haze problems from Arkansas power plants and factories that cross state lines.

Under the BART plan, ADEQ proposed retrofitting nine units and six mills and power plants across the state to meet the EPA requirements to reduce 71,500 tons a year of sulfur dioxide emissions and up to 15,000 tons of nitrogen oxide annually.

That proposal included limited emissions and five-year compliance schedules for stationary pollution sources across the state, including putting scrubbers, or pollution control devices, on nine smokestacks at six of the state's largest power plants and factories in control to limit ozone and carbon dioxide emission.

During testimony held at ADEQ headquarters in April, Entergy officials said the EPA haze rule essentially targeted the aging White Bluff and Independence power plants at the same time, the president's Clean Power Plan that would cut carbon emissions at those same plants by 2030.

Both the regional haze program and the president's favorite program, The Clean Power Plan, were established under the Clean Air Act to control pollution at a national level. Entergy officials said the EPA's proposed regional haze plan for Arkansas largely abandons the program's intent of recognizing haze as "a regional problem."

“EPA’s (regional haze plan) for Arkansas largely abandons this approach, ignores the significant improvements in visibility in Arkansas’ Class I areas that already have occurred, fails to account for the improvements that are anticipated to occur based on other regulatory programs, and seeks to impose more than \$2 billion in costs on EAI’s customers and co-owners despite the lack of any need for, or benefit from, such a massive investment,” the state largest utility said in the executive summary of its comments submitted today.

Two weeks ago, Arkansas Attorney General Leslie Rutledge also submitted comments in response to the EPA’s rejection of the state’s regional haze plan. The comments by Rutledge, a frequent critic of the EPA during her first seven months in office, said federal regulators EPA acted in an arbitrary and capricious manner in its decision to require billions of dollars in compliance costs for very limited improvement in visibility.

“I am urging the EPA to carefully consider the comments that have been submitted,” Rutledge said. “This Federal Implementation Plan is a prime example of an overreaching federal regulation in a state in which recent data shows that visibility is improving. A plan crafted by Arkansas officials considering Arkansas’s best interests would serve the state much better.”

The comments from Rutledge, Entergy and other companies affected by the federal Clean Air Act mandate, including Domtar Corp. in Ashdown, will now go to officials at EPA’s regional office in Dallas for consideration.

Under the federal act, EPA and other Agencies have been monitoring visibility at national parks and wilderness areas since 1988. The Regional Haze Rule, established in 199, calls for state and federal agencies to work together to improve visibility in such places as the Grand Canyon, Yosemite, the Great Smokies and Shenandoah.

The rule requires the states, in coordination with the EPA, the National Park Service, U.S. Fish and Wildlife Service, the U.S. Forest Service, and other interested parties, to develop and implement air quality protection plans to reduce the pollution that causes visibility impairment. Five multi-state regional planning groups are working together now to develop the technical basis for these plans.

If Entergy’s proposal is approved by the EPA, it will be the first coal plant retired in the state’s history, according to Glen Hooks, director of the Arkansas chapter of the Sierra Club.

“We are celebrating today, and we think they (Entergy) can do it sooner than 2027 and 2028,” Hooks said of the possible shutdown of White Bluff Station. “It is good to see that Entergy is making the decision to say coal is not the future for Arkansas – at the same time they are investing in renewable energy.”

Entergy announced this spring that the state's largest electric utility plans to build a 81-megawatt photovoltaic solar energy generating facility in Arkansas County's Grand Prairie no later than mid-2019.

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Entergy Arkansas intends to pay a little more than 5 cents per kilowatt-hour for electricity from a proposed solar farm near Stuttgart.

The amount was mentioned at a July 30 meeting of the Arkansas Public Service Commission and is one of the few details known about an agreement between Entergy and NextEra Energy Resources.

The commission is expected to decide by Sept. 30 whether Entergy Arkansas should enter a 20-year contract to buy electricity from NextEra.

In April, Entergy said it had reached a deal to buy power from NextEra, which plans to build an 81-megawatt solar energy farm on a 475-acre site about 7 miles southeast of Stuttgart. The facility will be known as Stuttgart Solar.

NextEra will spend more than \$120 million to develop and build the solar farm, said Steven Stengel, a spokesman for Juno Beach, Fla.-based NextEra.

The commission must decide if the cost of the agreement is reasonable and prudent, if it is in the public interest, and if it will provide cost savings for Entergy's customers.

The savings will be calculated as the difference between the contract price for the solar energy versus the market price, said John Bethel, executive director of the commission's general staff.

The value of savings for ratepayers over the 20 years is projected to be \$25 million, Entergy executive Matt Wolf said in pretrial testimony. But the benefits could range from as low as \$3 million to as high as \$91 million, Wolf said. Entergy customers will receive at least 75 percent of the savings.

Entergy has not disclosed details of the contract, so it's difficult for energy experts not affiliated with Entergy, or the commission, to comment on the proposed deal.

Jordan Tinsley, an attorney who represents the Arkansas Electric Energy Consumers, a group of large electricity users, inadvertently disclosed at the commission meeting the amount Entergy agreed to pay.

The Public Service Commission allows utilities to file financial data in a case that is kept confidential from the public.

"At times [a utility] might disclose [details on cost] subject to a confidentiality agreement to the parties," David Cruthirds, a Houston regulatory lawyer, said in a telephone interview. "[The utility] contends [disclosing prices] undermines their ability to negotiate other deals.

NextEra would want it confidential because they may want to sell power higher [to another company]. Entergy wouldn't want to disclose it because that would set the price, and someone

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else may be willing to sell for less.”

That 5 cents per kilowatt-hour price is comparable to two other deals that NextEra, an affiliate of Florida Power & Light Co., announced recently.

Prices per kilowatt-hour for solar are “highly variable,” said Sarah Kurtz, a principal scientist at the U.S. Department of Energy’s National Renewable Energy Laboratory in Colorado.

“The [department] has set 6 cents per kilowatt-hour as their goal [for utilities to pay for solar energy] by 2020, and it generally looks like they may hit that,” Kurtz said. “But prices may more typically now be 8 to 10 cents per kilowatt-hour.”

The average retail price of electricity in the United States is 12 cents per kilowatt-hour, the Department of Energy says.

There have been several high-profile cases where 20-year contracts have sold at 5 cents per kilowatt-hour, said Gregory Wilson, director of the National Center for Photovoltaics at the National Renewable Energy Laboratory.

Wolf, testifying at the hearing, told of a contract the Tennessee Valley Authority negotiated with NextEra earlier this year on an 80-megawatt solar project, almost the same size as Stuttgart Solar. The Tennessee authority will pay about 6.1 cents per kilowatt-hour, Wolf said.

Tinsley noted that NextEra is receiving 4 cents per kilowatt-hour for solar energy for a plant in New Mexico.

Tinsley also said NV Energy of Las Vegas is paying 3.87 cents per kilowatt-hour for solar power, based on a recent report.

Those low rates aren’t surprising, Wolf told Tinsley, because Nevada and New Mexico solar farms would generate considerably more solar power than a plant in Arkansas.

“You can get a lower perunit cost [in the southwest United States],” Cruthirds said.

“A plant in Arkansas may run nine hours a day while one in Nevada may run for 11 hours a day. If they both cost the same to build — although the land may have different costs — you end up with a lower per-unit cost.”

The most intense sunlight in the United States ranges from west Texas to southern California, according to the National Renewable Energy Laboratory.

Wolf acknowledged that prices for solar power have been falling in the past year.

“I think there is no doubt that the reason this opportunity has presented itself is that there has been a combination of the decrease in prices and the tax incentives that are still there,” Wolf said.

One potential killer of the deal would be if federal tax credits aren’t renewed for such projects.

In August 2012, LM Wind Power of Little Rock laid off 234 full-time and part-time workers as orders declined because the tax credits had not been renewed.

The tax credits eventually were renewed before the end of 2012. LM Wind Power produces fiberglass windmill blades used for electricity generation.

Jim Robo, chairman of NextEra Energy, parent company of NextEra Energy Resources, said in a conference call in May that NextEra expects investment tax credits to drop from the current 30 percent to 10 percent by the end of 2016.

“We support that step down,” Robo said.

Next Era will not receive a cash reimbursement, but it will get a federal tax credit equivalent to 30 percent of the cost of the solar generating equipment that’s installed at the project, Stengel said.

Levelizing payments for Entergy Arkansas ratepayers for 20 years is not wise, Tinsley told the commission.

“This decision that [Entergy] wants the commission to make is going to bind Arkansas ratepayers for the next 20 years,” Tinsley said. “A lot can happen in 20 years.”

But the 20-year term was how NextEra priced its contract and Entergy had no control over it, Kurt Castleberry, Entergy’s director of resource planning and market operations, said in an email.

“Compared to other solar bids [Entergy] received in the 2014 [request for proposals], this [agreement] from Stuttgart Solar provided the highest level of savings for customers,” Castleberry

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said.

Entergy declined to disclose how many companies submitted proposals to build a solar farm in Arkansas.

With the Sept. 30 deadline, the commission and opponents of Entergy's proposal were forced to make decisions on the plan within a few months, Tinsley said. The agreement was made in April, attorneys had less than three months to complete discovery and the commission has until the end of September to make a decision, Tinsley said.

The reason NextEra established the Sept. 30 deadline, Castleberry said, was to give it sufficient time to finish construction before the tax credits drop to 10 percent in 2017.

"If the value Entergy attributes to Stuttgart Solar turns out to be a bad guess, which it probably will, this power purchase agreement will not generate savings for Arkansas ratepayers," Tinsley said at the hearing.

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SWEPCO learning its place in new federal emission goals

Adam Duvernay, aduvernay@gannett.com 9:14 p.m. CDT August 9, 2015



(Photo: SWEPCO)

There's a lot left to learn about how new federal pollution emission standards are going to affect Louisiana power customers.

Reducing greenhouse gases is the goal of strict new regulations announced last week, and limiting reliance on coal to generate power is the means. The final federal plan is less tough on Louisiana than its draft, but power providers are still staring down impact to their generation capacity.

"We remain seriously concerned about the impact these regulations will have on reliability of delivery and affordability for customers," said SWEPCO spokesman Peter Main.

The U.S. Environmental Protection Agency's Clean Power Plan sets out to reduce carbon emissions by 32 percent by 2030. States must show progress toward compliance by 2022, two years later than originally-planned deadlines.

The EPA anticipates the plan will save the country \$45 billion in the long term by reducing energy usage and slashing the ill health effects of dirty power. A successful implementation would save Americans an average \$85 on their monthly bills, EPA reports.

That serious emission-reduction mandates were coming isn't news to power companies, who've been privy to drafts of the Clean Power Plan since 2012. But the finalized content comes in more than 1,600 pages, all of which need legal and technical review.

"The rule is very complex," Main said. "The true impact of the plan on the cost of electricity and the ability to maintain power won't be clear until we have an implementation plan from the state, and that's a process which will take several years."

One of Louisiana's public service commissioners, Eric Skrmetta, is much more clear on what he thinks the impact will look like.

"It's going to cost a tremendous amount of money," he said. "The goal is to put the coal industry out of business. What the EPA is doing is arbitrary and capricious regulation to bankrupt an industry."

He even put a rounded figure on the cost to Louisiana alone — \$10 billion.

The worst case scenario, Main said, is those regulations limiting ability to produce enough energy to keep customers' lights on at affordable rates.

If the regulations require SWEPCO to acquire or construct new resources — like new power plants — the costs would end up passed on to customers, Main said.

Meeting goals

While power producers in Louisiana pour over the documents to make their own assessment, EPA believes it's let the state off easy, especially compared to the 2012 draft of the Clean Power Plan.

"Compared to proposal, the highest (least stringent) goals got tighter, and the lowest (most stringent) goals got looser," an EPA document on the state's goals reads. "Louisiana has one of the moderate state goals, compared to other state goals in the final Clean Power Plan."

Louisiana is one of 31 states with goals loosened from the original draft. The state must reduce its carbon dioxide emissions from the 43 million tons it produced in 2012 to 35.4 million tons by 2030.

Sixteen states have more stringent goals than they did in the original proposal. Wyoming, Pennsylvania, North Dakota, Kentucky, West Virginia, Indiana, Missouri and Kansas have to reduce their emissions the most.

Vermont, because it doesn't have fossil fuel plants, and Alaska and Hawaii, because they're removed from the main U.S. grid, do not have to comply with new goals.

States have until 2018 to submit their final emission reduction plans to the EPA. After that, the reductions begin in gradual step-down phases beginning in 2022 through 2029, with the final targets to be met in 2030.

SWEPCO will be a part of the reduction plan, but Main said the company is still unsure how and to what extent it will be affected itself because it operates in three states.

Ramp up renewables

It's no secret how the EPA expects power companies to replace energy generation lost by plant closures — invest beyond fossil fuels.

"The most straightforward way to comply is to phase out coal and ramp up renewables," said Al Armendariz, a deputy regional director for the Sierra Club and a part of its "Beyond Coal" campaign.

In the last eight years, SWEPCO added 469 megawatts of wind power to its generation portfolio through purchase agreements. At the same time, the company brought on 800 megawatts of natural gas power and 440 megawatts of coal power.

"It speaks to our diversity of fuel resources," Main said.

But much of the coal-generated electricity in the AEP/SWEPCO grid comes from old plants, and the new regulations are designed to phase those out in deference to cleaner power. The John W. Turk Jr. power plant, which went online in Arkansas in 2012, is billed as one of the country's cleanest coal plants.

The plant cost \$1.8 billion, and SWEPCO's share in switching on the regulation-busting generator was \$1.3 billion.

Louisiana power generators are using more low- and no-carbon energy sources each year, and Entergy just signed a contract to build a solar plant in Arkansas, Armendariz said. Oklahoma and Texas are producing huge amounts of wind energy, and he said it's available for purchase by other states.

North Louisiana's public service commissioner, Foster Campbell, said power companies and their allies in Louisiana have fought against more total overhauls of their power systems in the past for a simple reason — money.

"It's going to cost more, but we have to comply if we want to live in a clean place. If we didn't have rules, we wouldn't," Campbell said. "I'm really glad we're facing this head on instead of how we've been doing it for the past 15 years."

Skrmetta said the goals are unobtainable, and unnecessary beside because carbon dioxide isn't a pollutant. The EPA wants states to fail, he said, so they can impose fines. He promised to seek litigation to halt that.

"It's the work of charlatans," Skrmetta said. "We have got to find a way to fight this and fight this for what it is."

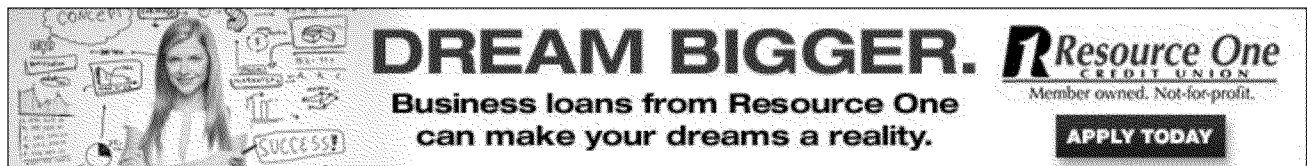
Not all Louisiana public service commissioners feel the same, and there have been fights over the place of renewable energy in the state's marketplace and what they mean for utility and consumer costs.

Campbell said he supports more solar and wind energy sparking through Louisiana, and he doesn't think the cost will be astronomical for producers or consumers — though he said he'd scrutinize any rate hikes power companies put forward.

"Coal is almost a thing of the past because it's dirty," Campbell said.

— *The Associated Press contributed to this article*

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On climate change, an interview with Science committee chiefs Lamar Smith and EBJ



Michael A. Lindemberger/Washington
Correspondent



Published: August 7, 2015 1:46 pm



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Editor's note: *These written interviews with Rep. Lamar Smith, R-Texas, and Rep. Eddie Bernice Johnson, D-Dallas, were conducted as part of the reporting for a broader story examining the fight in Congress, and in Texas, over the EPA's aggressive agenda under President Obama. That story is scheduled to run this weekend.*

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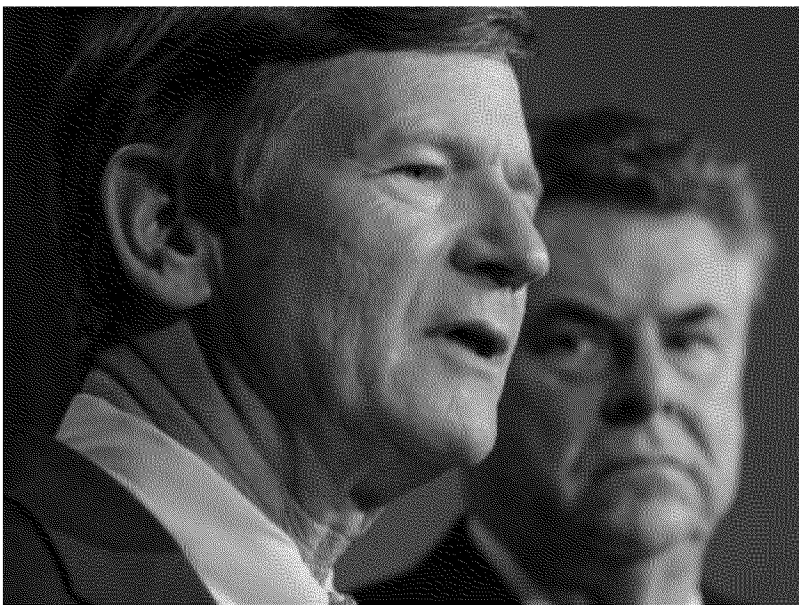
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Daily breaking news alerts from the Business staff of The Dallas

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Rep. Eddie Bernice Johnson met President Obama and Mayor Mike Rawlings at Dallas Love Field in 2013. (Louis DeLuca/Dallas Morning News)



Rep. Lamar Smith, R-San Antonio, is chairman of the House Science Committee. 2007 File photo.

Lamar Smith, R-San Antonio, has been chairman of the House Committee on Science, Space and Technology since 2013.

THE DALLAS MORNING NEWS: Supporters of climate change policies can overlook or even overstate points that work against

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them. Evidence linking climate change and the recent drought in Texas, for instance, or to the Sandy super storm is shaky. Scientists seem certain, however, that, as president Obama said other day, the earth is hotter than it has been in 800,000 years and that the past 15 have been especially hot. High temps are on average higher than in modern times, and low temps are higher too ... it doesn't get as cold at night and gets hotter in the day.

So the question: Are there any significant changes in the climate that you feel have taken place as a result of global warming? Do you think they are potentially harmful to Texas and the US? And if so, why have you worked so hard to prevent the U.S. from leading an effort to confront them?

REP. SMITH: While the Obama administration pretends to know exactly how much human actions contribute to the changing climate, the truth is there are more questions than there are answers. For instance, even the most advanced climate models all failed to predict the lack of warming the Earth has experienced over the last 18 years.

As the climate changes, certain regions



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could be negatively impacted. But there is a significant amount of uncertainty surrounding climate change predictions.—Rep. Lamar Smith.

SMITH: As the climate changes, certain regions could be negatively impacted. But there is a significant amount of uncertainty surrounding climate change predictions. Facts should guide our nation's policies, not climate change alarmists or science fiction. The president and his Environmental Protection Agency are determined to impose greater government control over the lives of the American people. But we cannot afford to enact policies that will hurt our own economy while having no significant impact on climate change.

If implemented, the Obama administration's Climate Action Plan would reduce global temperatures by only 0.01, or one one-hundredth of a degree Celsius. At a recent Science Committee hearing, I questioned EPA Administrator Gina McCarthy on this figure and she did not dispute it. Meanwhile as a result of the rule, energy costs for Texans could increase by up to 20 percent in 2020. That is the definition of all pain, no gain.

Rep. Eddie Bernice Johnson, D-Dallas, is ranking Democrat on the Science committee.

THE DALLAS MORNING NEWS: There is little doubt that the EPA's aggressive regulatory approach under President Obama will mean higher energy costs, at least in the short-term, for Texans. Can you assure your constituents that the trade-offs in health and environmental concerns — many of which are globally diffuse and distant — are worth it?

REP. JOHNSON: Transitioning to a clean energy economy will be a difficult task, but it is one that is worth the effort because the long-term health and security of Texans is what's at stake. The impacts of climate change are already being felt. For example, 2015 is currently the wettest year on record in Texas. The heavy rains have caused intense flooding and damage across the state. Without addressing climate change, scientists are expecting heavy rain events like these to become more common. In fact, flooding damages have been predicted to cost as much as \$3.7 billion in 2100.

We in Texas don't back down in the face of adversity and turn challenges into opportunities. Texas is a leader in the U.S.

wind industry, ranking first in the amount of wind capacity installed and under construction. Wind energy will be a critical component of the nation's low carbon future and Texas can and should be leading the way not only in the use of wind energy, but in its manufacturing.

Addressing climate change to secure a better future for our children and grandchildren is worth the fight and one I am willing and proud to be a part of.

THE DALLAS MORNING NEWS: Chairman Smith, what strategy do you have as chairman to pass legislation that can also pass the senate that will adjust, repeal or delay the Clean Power Plan? Can you do that? Or will you have to just hope that legal challenges to the rule will prevail?

REP. SMITH: "As soon as the president announced his final Power Plan, numerous states began the process of filing lawsuits to challenge the rule's legality. Given the non-transparent process EPA has used to create the regulation, I think these challenges will ultimately be successful. The Science Committee will also continue to conduct oversight of the questionable science that EPA uses to justify its greenhouse gas

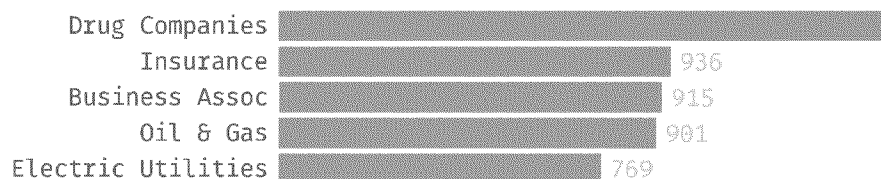
regulations.

The Committee has held multiple hearings to expose the tremendous burden the president's Power Plan would impose without significant benefits. Many of EPA's regulations are based on science and data that is not public and that EPA has been unwilling to make public. If the data isn't available for independent review, the American people have reason to be suspicious that data doesn't justify their regulations. This year, the House passed the Secret Science Reform Act and the SAB Reform Act to prevent the EPA from proposing regulations that are not supported by the best publicly available science.

Editor's note: Smith's comments about the EPA's unwillingness to make public the data behinds its rule is explored in part two of this series.

With regard to the Secret Science Reform Act, Johnson called that bill an "insidious attack" during a floor debate in November. "This bill does not permit me to mince words," Johnson said. "It's an insidious attack on the EPA ... and the culmination of one of the one anti-science and anti-health campaigns I've ever witnessed in my 22 years in Congress."

Businesses and interest groups both spend billions to influence the federal government. Here are the five biggest spenders since President Obama took office.



These totals do not include spending so far in 2015.

Compiled from Open Secrets annual reports.

Michael A. Lind

[illegible]

THE DALLAS MORNING NEWS: Ranking Member Johnson, is Republicans opposition to the President's climate change agenda fueled by a calculation that opposing him is good politics in Texas? Or because they are incentivized by the business lobby and others who donate heavily to Republican campaigns in hopes of limiting regulatory costs for Texas businesses?

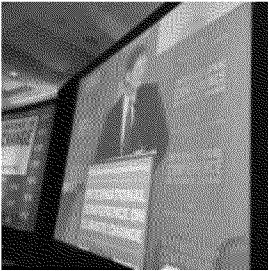
REP. JOHNSON: I can't truly speak to the Republicans' motivation, but I fear that they may be unduly influenced by the oil and gas industry. Being from Texas myself, I understand and appreciate the benefits these industries bring in terms of jobs and economic growth. However, I'm also quite familiar with the environmental and public health problems that accompany oil and gas production. Unfortunately, in recent years

I've seen too many attacks by some in the majority in the House of Representatives on anyone who points out the negative effects of fossil fuel development.

I do know for sure, because Republican leadership openly said so, that there is nothing this President could have done that Republicans would have supported.

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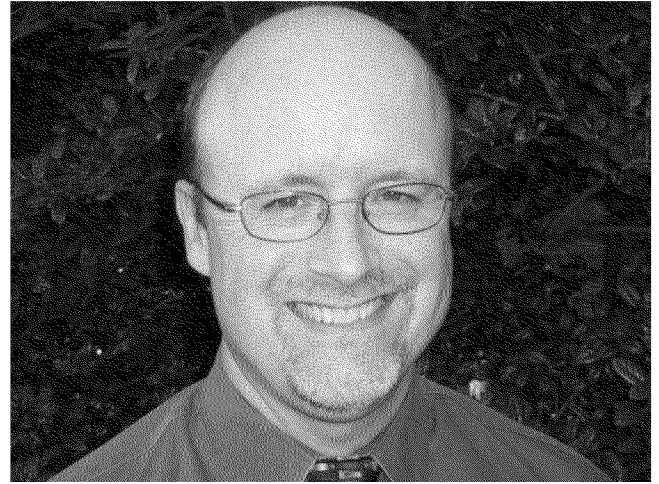


Richard Parker: The price of ignoring climate change

COMMENTARY: The Clean Power Plan: Let the litigation games begin

DAVID SPENCE | GUEST COLUMNIST | Posted: Sunday, August 9, 2015 7:00 am

Although a good, sound policy, President Barack Obama's Clean Power Plan — the rule regulating greenhouse gas emissions from existing power plants — will unleash a torrent of litigation rivaling that following the passage of the Affordable Care Act. Most major environmental rules generate legal challenges, but there are three reasons why this one will generate a litigation tsunami.



David Spence

David Spence

>> The first is rooted in interest group politics. Coal-fired power has commanded the lion's share of electricity generation in the United States, but it now faces an existential crisis. For the first time, it faces competition from cheap, domestically available gas and increasingly competitively priced renewable power. At the same time, nongovernmental organizations and voters are waking up to the fact that coal combustion is much more harmful to human health and the environment than any other electric generation technology. Not only does it affect the climate, coal combustion kills thousands of Americans prematurely each year. The threat to coal's dominance is unprecedented, and the industry has nothing to lose.

>> The second reason is ideological. Even in red states that stand to gain from the Clean Power Plan, elected officials choose to oppose the plan because that is "good politics." For example, several analyses have concluded that the Clean Power Plan will produce net gains for Texas, because gas-fired power will replace coal-fired power, and much of that gas will come from Texas. But suing the Environmental Protection Agency has been a sound electoral strategy for the past two Texas governors — one that fits the national GOP's narrative portraying the Obama administration as regulation-happy "socialists" engaged in a "war on coal."

>> Third, and most importantly, the rule does face real legal vulnerabilities. In the absence of congressional ability, or willingness to address climate change, the EPA is doing so. The EPA is using a rarely used section of the Clean Air Act, section 111(d), to create a rule that will have sweeping effects across the power sector, and entails costs and benefits in the billions of dollars. In the final version of the plan, the EPA made changes that reduce those legal vulnerabilities, but some important questions remain.

Section 111(d) seems to contemplate emission limits on individual power plants, but the EPA's proposed rule established limits based on the level of emission reduction each state was capable of achieving across its entire power sector. Critics challenged the EPA's authority to regulate "beyond the fence line," and the final rule establishes limits on emission rates only from the coal- and gas-fired power plants. States retain the flexibility to use a variety of measures to achieve those limits, but limits on individual sources are the foundation of the rule.

Still, there remain credible legal arguments about whether these emission rate limits are consistent with the statutory language; whether statewide limits were imposed using a fair system, and whether the statute even authorizes the rule in the first place. This last argument stems from a one-in-a-million drafting error by Congress in 1990, when the House-Senate conference committee failed to resolve a wording conflict in section 111(d), leaving both competing versions in the text. One version seems to foreclose the Clean Power Plan, the other to permit it.

Finally, some recent Supreme Court decisions, which show less deference to the EPA in its interpretation of the Clean Air Act and which scrutinize closely EPA rules that impose very high compliance costs, give encouragement to opponents of the Clean Power Plan. No doubt their legal challenges will be crafted to use those recent Supreme Court decisions to their advantage.

For all these reasons, we can look forward to years of legal challenges to the Clean Power Plan. That is a shame, because the EPA has gone out of its way to craft a plan that offers states time and flexibility, a plan where benefits dwarf costs and aims at goals (a cleaner energy mix) that are tremendously popular. But in a polarized America, that may not be enough.

David Spence is a professor of business, government and society in the McCombs School of Business and professor of energy law in the School of Law at The University of Texas at Austin.

Longview News-Journal

Editorial: Texas should stop suing over clean power, start negotiating for the future

Aug. 8, 2015 at 10:27 p.m.

The Environmental Protection Agency unveiled its new Clean Power Plan last week, and the sounds made by those who oppose it — mostly politicians and lobbyists — closely resembled what was heard when the Wicked Witch of the West got doused with water in "The Wizard of Oz."

To be sure, the plan aims to bring about big changes in the power-producing industry, and the new regulations will hit Texas hard, but mostly because our state has done just about everything possible to resist cleaner air standards. Notice that we said the "state" has resisted, as opposed to industry itself.

We won't say the Texas power-producing industry is exactly on the leading edge of change, but it has been playing by the rules set forth by the state. Fortunately, it has not always followed the state's example.

While the state's leaders have been filing lawsuits — mostly unsuccessful — the power industry has been busy working to improve its many coal-fired plants in Texas and building and planning gas-fired plants for the future. This is progress, but it still leaves the industry in a tough place in the future.

The new plan requires existing power plants to cut carbon emissions by 32 percent from 2005 levels by 2030. The good news is that most plants have made significant changes since 2005, and the result has been impressive.

The bad news is there isn't much else they can do with current technology to lower the emissions much further than they are now in the coal-fired plants. Many Texas plants are hampered by the fact they use large quantities of Texas lignite coal, which is of poor quality.

Even though 2030 still is 15 years away, and that sounds like a long time, it is actually quite short when it comes to building a power plant. That's also just one plant. To supply Texas' growing power needs and meet emission standards, a number of plants are going to have to be retired and replaced to hit the goal.

So here is an idea, and one we believe the power industry would endorse: Why not begin now negotiating with the EPA in good faith to find some sensible common ground? It's true our state's long contentious history with the EPA might make this difficult, but it is worth trying.

Such negotiations, if successful, not only would reduce emissions, which is what the EPA wants, but would give the power industry some regulatory certainty going forward. Constantly aiming for a moving target has to be an organizational nightmare, and one that increases costs, too.

To get to that point, Texas leaders have to get the right mindset and be willing to negotiate. The same could be said for the EPA, however. Simply issuing mandates from above is not going to work, nor is it realistic to think all coal-fired plants can go away in the next 15 years.

Reasonable attitudes on all sides and giving power producers solid long-range goals to hit will get us closer to the goal than mandates followed by more lawsuits.

We ought to try that for a change.

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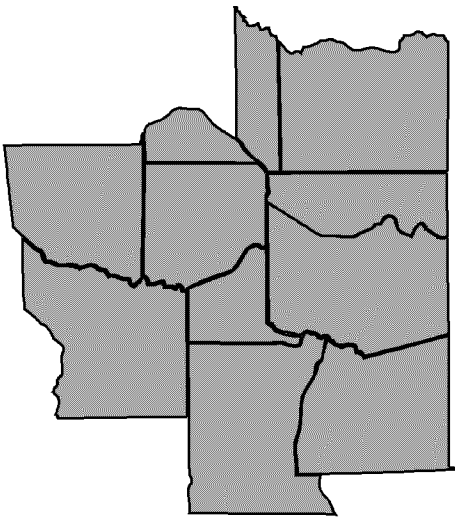


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Small-business rep: New EPA rule will be costly to state

BY JERROD SHOUSE • *Published: August 8, 2015*

There's no such thing as a free lunch. Someone always has to pay. Always.

That's certainly the case with the Environmental Protection Agency's Clean Power Plan. While the plan certainly has support, such as Oklahoma City University professor Mark Davies (Point of View, Aug. 5), the truth is that implementing it won't be cheap. In fact, according to a Heritage Foundation analysis of Energy Information Agency data, it's going to cost the U.S. economy something in the range of \$150 billion a year.



Jerrod Shouse

That works out to \$1,700 a year for a family of four.

Put simply, the rule amounts to a massive tax on the price of electricity, one that we simply can't afford to pay.

Of course, it isn't just families that would feel the pinch. Small businesses, the engine that drives our economy, would have to spend more on energy, and that, in turn, would push up prices on absolutely everything.

EIA data suggest the financial pressure on businesses would be so great that many of them would have to eliminate jobs so they could afford to keep the doors open. Based on the agency's data, it's estimated that job losses could amount to nearly half a million a year by the late 2020s.

It's unknown how many of these job losses could come from small businesses, because the EPA didn't even actually consider how the rules would affect small employers. Instead, the agency considered the direct effects on small power generation facilities. My association, the National Federation of Independent Business, filed comments with the EPA pointing out this oversight. Our comments were ignored.

The rule would hit Oklahoma especially hard, because it would drive up costs for every fossil fuel plant, not only coal but also natural gas. Coal and natural gas together account for about 82 percent of the electricity we use in Oklahoma.

Plus, the cost of goods will rise across the country. A business operating in our state may have suppliers in the harder hit areas of the country.

State legislators are being driven by the administration to cooperate by creating plans that meet the federal government's harsh standards. It's an almost impossible choice they face: go along, or leave the tough decisions to Washington regulators. Without a doubt, many states will see no other alternative but to sue the federal government for this regulatory overreach.

Congress shouldn't take this lying down. Already, the House has passed legislation that would let states opt out of the rule if they find that electric rates will rise sharply. There is companion legislation introduced in the Senate, but it hasn't gotten a vote yet.

If this rule goes into effect, it will be painful for small businesses and for family budgets. At a time when the nation is struggling to come out of the recession, the EPA's actions threaten to create another economic crisis.

Shouse is state director of the National Federation of Independent Business. He can be reached at jerrod.shouse@NFIB.org.

Tulsa World Editorial: Reorganizing the economy to deal with global warming is an issue for Congress, not the EPA

By World's Editorial Writers | Posted: Sunday, August 9, 2015 12:00 am

The Obama administration rolled out an aggressive effort to battle global climate change last week, a final version of the EPA's Clean Power Plan.

In the plan, EPA claims authority from the Clean Air Act to force existing power plants to reduce carbon emissions by 32 percent in 2030 compared to 2005 levels. States are given flexibility in meeting that goal, but must begin implementation by 2022.

It's not surprising that the move is controversial, and its fate will ultimately be decided in court.

Oklahoma Attorney General Scott Pruitt is one of several chief state legal officers challenging the EPA's authority to pass the regulations.

Pruitt's lawsuit says the plan forces Oklahoma into fundamentally restructuring the generation, transmission and regulation of electricity in such a manner that would threaten the reliability and affordability of power in the state.

Earlier this year, the U.S. Supreme Court found that another set of EPA regulations also based on Clean Air Act authority was unreasonable because the costs of compliance were not considered.

Stung by that decision, the latest EPA effort clearly shows some effort to make the regulations "bulletproof," law professor Jonathan Adler told the National Journal. The new rules give states and power plants more time to comply, and offer a detailed explanation of the rationale for certain provisions.

But Pruitt said such changes don't fix the fundamental flaws of the rules.

"The president could announce the most 'state friendly' plan possible, but it would not change the fact that the administration doesn't have the legal authority under the Clean Air Act to regulate carbon emissions from these sources because these sources are already being regulated and the act prohibits this sort of double regulation," Pruitt said.

We won't try to prejudge highly technical legal issues that will be decided before the Supreme Court, but we will say that we're uncomfortable with the massive scale of authority being taken by the EPA.

The Obama administration projects the cost for its plans to be a jaw-gaping \$8.8 billion a year by 2030.

Who pays that? Ordinary consumers, that's who, mostly in the form of higher utility bills.

Those costs will be disproportionately heavy for the poorest Americans. A U.S. Black Chamber of Commerce study projects that the Clean Power Plan would increase black poverty by 23 percent and Hispanic poverty by 26 percent.

The administration says those costs are much lower than the price of global warming if we do nothing. Perhaps, but the cost of retooling our nation's energy economy are clear and predictable results of the new policy. The offsets are hazy maybes, that depend on a double set of hypotheticals: If we do nothing and if the result is catastrophic.

Given the extraordinarily expensive nature of the policy, it seems to us that this should not be done by bureaucratic fiat or political short-circuits.

The Clean Air Act became law in 1963 and last had a major congressional overhaul in 1990. Are we to believe that in the second Obama administration, after decades of apparent malfeasance, the EPA discovered it had the authority to take these steps?

The far more convincing scenario is that the administration decided on the policy first, and then bent whatever existing statutory structure was necessary to make it fit.

That's the wrong way to reorder national priorities and disrupt the economy in the process.

If it's time to address global climate change and the right way to do that is to make utility customers pony up billions, let's take the issue through the front door, which is to be found at the U.S. Capitol, not EPA headquarters.

This is a decision for Congress, not one to be made by agency edict in the latter days of a term-limited president looking to establish an ecological legacy and help his party's future chances with green voters.

Addressing global warming is a decision for our nation to make as a whole, not one for the the EPA to make for us.

EPA issues another complicated regulation

By Alex Mills | Posted: Sunday, August 9, 2015 12:15 am

The Environmental Protection Agency announced on Aug. 3 its final regulations on greenhouse gas emissions from power plants in each state. Called the Clean Power Plan, EPA, once again, has issued far-reaching regulations that are impossible to achieve in the real world.

This is not the first time EPA has issued unreasonable regulations. Just several weeks ago, EPA issued its "Waters of the U.S." (WOTUS) regulations, which are just as complicated and confusing as its Clean Power Plan.

Both regulations have been met with strong opposition from industry and state officials. Lt. Gov. Dan Patrick, speaking at a conference in Houston on Tuesday, said that the new regulation should be ignored and to let the courts decide its legality.

The Texas Commission on Environmental Quality said concerns remain over legal and practical aspects of the Clean Power Plan, while the state has questions on issues regarding EPA usurping their authority.

The Electric Reliability Council of Texas, the state's main grid operator, has said that EPA regulations, including the Clean Power Plan, could lead to the retirement of thousands of megawatts of coal-fired generation plants, raise the price of electricity, and impact reliability of electric generation.

The Clean Power Plan sets ambitious limits on greenhouse gas emissions in each state. It also creates additional incentives for nuclear plants to stay online and bolsters prospect for renewable energy. Once thought to be a boost for natural gas usage, the revised plan is not as gas-friendly as the original plan. The new regulation creates a program to incentivize deployment of renewables and energy efficiency programs in 2020 and 2021.

Many experts have questioned the reliability of EPA's Clean Power Plan. The Federal Energy Regulatory Commission questioned EPA's original plan regarding reliability of service. EPA "solved" that problem by simply requiring states to show that they considered reliability in drafting their future



Alex Mills

plans.

EPA took a similar position when it approved its regulation on WOTUS. The final rule is so massive and complicated that industry experts are still trying to figure out when people need to apply for a permit, what should be included in a review of a facility, and how will EPA enforce and manage regulation of all the new facilities.

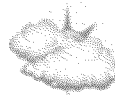
Even though the WOTUS regulations become effective Aug. 28, no one knows what they need to do to be in compliance.

Meanwhile, expect more lawsuits to be filed.

Alex Mills is president of the Texas Alliance of Energy Producers. The opinions expressed are solely of the author.



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Columnists

Another unworkable plan

By JAY AMBROSE Tribune News Service
This article was published August 7, 2015 at 1:58 a.m.

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President Barack Obama has a new plan to fight global warming, and science is on his side, isn't it? No, not exactly. But wait, calculations show the economy will benefit, don't they? No, not even close--consumers will take a bath. Well, finally, the Constitution backs up the effort's legality, does it not? It does not.

These are some questions and answers provoked by the president's official announcement the other day that the ever-more powerful Environmental Protection Agency will require power plants to cut carbon emissions over the next 16 years by 32 percent from levels being emitted in 2005.

The anti-scientific, anti-prosperity, anti-democratic plan does not add up. Even if every iota of the massive move is accomplished, there is no reason to think it would do much of anything positive. At best, it would reduce global warming by an unnoticeable fraction of a fraction of a fraction by century's end, and meanwhile, the nation contributing the most to carbon emissions, namely China, appears to some experts to be playing games about actually doing much of anything.

Testifying to a House committee back in April, the balanced Judith Curry, an award-winning climatologist, said it's not even clear humans are the main cause of warming. Meanwhile, she added, warming has slowed down over the past 16 years.

She concedes humans play a role in warming and that catastrophe is a possibility. But temperature predictions based on the old assumptions aren't coming true, she also said, noting the endless variables. She added that arriving at dangerous tipping points is "extremely unlikely" this century.

The costs? The EPA says they will be about \$8.4 billion a year by 2030 with savings from such factors as health benefits as high as \$54 billion. The actual annual costs are more likely to be \$41 billion a year, according to a private firm of experts on such things. As for benefits from reduced carbon, the technique used to figure such things out is highly suspect, says an engineer writing in the *National Review*. If you used it to look at all the good carbon does in the industrial economy, you would find that substantial carbon reductions would have horrific consequences.

Finally, there is just no way this plan is constitutional because no law allows it. The plan calls for refashioning the energy regimes of state governments, and nothing in the Clean Air Act, or any other act, comes close to allowing that. The EPA has authority to address emission issues, but nothing so sweeping as what this plan has in mind. Laurence Tribe, a liberal constitutional expert who wants to tackle climate change, says flatly that the EPA "is constitutionally forbidden to exercise powers Congress never delegated to it in the first place."

There are all kinds of anti-plan lawsuits already in the works as states try to protect their citizens and their rights, and some are predicting the courts will scotch the plan because the legal realities are so obvious. If they don't, the next president could delete it more easily than Obama could implement it.

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Do renewables really make economic and energy sense as the way of the future? Supposing the answer is yes, watch the free market do its job. Scientists are meanwhile devising all kinds of ingenious plans that could turn things around dramatically, if necessary, even without the help of China.

There is wisdom outside of Washington.

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Jay Ambrose is a columnist for Tribune News Service.

Editorial on 08/07/2015

Print Headline: Another unworkable plan

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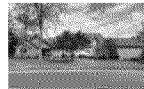
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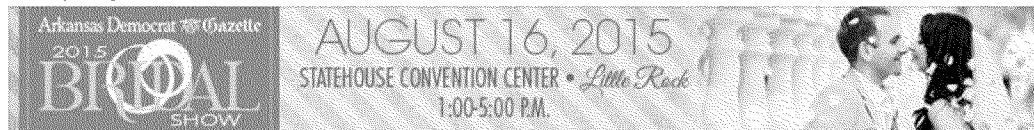


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Monday, August 10, 2015, 9:08 a.m.



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Grant to aid Cabot wastewater work

By Arkansas Democrat-Gazette

This article was published August 9, 2015 at 2:49 a.m.

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The Environmental Protection Agency has awarded \$485,000 to Cabot for installing new wastewater-treatment equipment, according to a news release from the agency last week.

The new equipment includes 10,000 feet of wastewater piping to address sewer overflows.

The EPA routinely awards grants to state and local agencies related to water and the Clean Water Act, including grants for watershed protection and restoration and for drinking-water infrastructure.

Metro on 08/09/2015

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Everything New Orleans

Study: Corps decisions, not Orleans Levee Board, doomed canal walls in Katrina

Sept. 3: 17th Street Canal breach

The 17th street canal breach seen from the air on Sept. 3, 2005. A new study says the Army Corps of Engineers, and not the Orleans Levee Board, is at fault for decisions that led to the failure of floodwalls along drainage canals in New Orleans during Katrina. (Photo by Brett Duke, NOLA.com | The Times-Picayune archive)

Mark Schleifstein, NOLA.com | The Times-Picayune By **Mark Schleifstein, NOLA.com | The Times-Picayune**

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on August 07, 2015 at 2:41 PM, updated August 07, 2015 at 2:42 PM

Design decisions by the **Army Corps of Engineers** -- not actions taken by the **Orleans Levee Board** -- were to blame for failures of floodwalls on the **17th Street** and **London Avenue** canals during **Hurricane Katrina**, according to a peer-reviewed report published Thursday.

"With regard to the 17th Street and London Avenue Canals, the authors have not uncovered any information that would suggest that the OLB behaved irresponsibly in its duties," said the **study published in Water Policy magazine**. "What is evident from the project record is that the Army Corps of Engineers recommended raising the canal floodwalls for the 17th Street Canal, but recommended gated structures at the mouths of the Orleans and London Avenue canals because the latter plan was less expensive."

A corps spokesman didn't comment specifically on the report, but said the agency gained valuable knowledge from such studies that it has used in rebuilding the levee system after Katrina.

"The Army Corps is first and foremost a learning organization," said spokesman Ricky Boyett. "Our focus over the last ten years has been to learn from all the lessons of Hurricane Katrina."

He noted that New Orleans' revamped levee system protects much of the area from a so-called 100-year storm, or one with a 1 percent chance of occurring in any given year, and it's also designed to resist erosion during stronger storms. "As a result of this effort and the efforts of all of our partners, the greater New Orleans area now has the best level of risk reduction in its history," Boyett said.

A truck, a Mustang, and a row of houses lie buried beneath feet of silt from the breach at the London Avenue Canal Sept. 21, 2005. (Photo by Ted Jackson, NOLA.com | The Times-Picayune archive)

NOLA.com | The Times-Picayune

The new study focused on levee construction decisions between 1985 and 2000. Its authors included two engineers who were members of a National Science

Foundation-supported forensic investigation team that studied the reasons for the levee

failures in Katrina. The authors also included a member of the east bank levee authority that took the place of the Orleans Levee Board in overseeing New Orleans levees after Katrina, and an engineer who is a member of the Levees.org advocacy group.

Lead author **David Rogers**, who teaches civil engineering to corps and Army officers and employees at the Missouri University of Science and Technology, said the paper was an effort "to set the historical record straight about how decisions were actually made prior to Hurricane Katrina."

A **post-Katrina investigative report** produced by the National Science Foundation team in 2006 incorrectly concluded that the Orleans levee board was partially at fault for the levee failures, Rogers said. That team, he said, didn't have an adequate understanding of the politics behind decisions made by Congress to require increasing the heights of floodwalls along the canals, instead of building gates at their mouths that would stop surge from entering.

The new understanding of the decision-making is based partly on a review of Orleans Levee Board meeting minutes in the years before Katrina and discussions with attorney Bruce Feingerts, who represented the board in negotiations over the walls with the corps and Congress, Rogers said.

Rogers and co-author **Paul Kemp**, a biologist who is a member of the Southeast Louisiana Flood Protection Authority-East and was a member of a Louisiana-sponsored Katrina forensic investigation team, also used information they gained while serving as expert witnesses in a Katrina damages lawsuit against the corps.

The other authors of the paper are **Raymond Seed**, an engineer at the University of California-Berkeley who was a member of the National Science Foundation investigative team; and **H. J. Bosworth Jr.** of New Orleans, an engineer and researcher for **Levees.org**, a non-profit group that focuses on levee safety issues.

Rogers said the information helped the authors realize that they had been incorrectly told there was a dysfunctional relationship between the levee board and the New Orleans Sewerage & Water Board over whether to build the gates, and over corps engineers' opinions about the adequacy of the gate and floodwall designs.

Also important was a better understanding of the kinds of gates the corps had proposed, which he said "were of a prototype design which hadn't been previously employed."

The butterfly gates would automatically close when water levels in the lake rose to storm surge levels, and wouldn't reopen until the lake levels dropped back to normal.

"In order to function, the water level in the canals would have to rise nearly to the crest of the flood walls, just to 'push' the gates open," Rogers said in talking points prepared for the release of the article. "That

design concept was also bereft of any auxiliary pumps to help 'push' water from the canals into the lake (a key component that was installed by the corps in the post-Katrina restorations).

"So, for me to say that the OLB was at fault for the failure of the London Avenue Canal was not really accurate," he said.

Equally important was that the corps, levee district and Sewerage & Water Board all believed that the two alternatives, raising the floodwall heights or building gates, were equally reliable. What was problematical, however was the cost.

The corps preferred the gates because they were cheaper, with the levee board having to pay 30 percent of the cost. But the levee board recognized that it would still have to build the floodwalls higher to protect against rainfall flooding accompanying hurricanes, and it would have to pay both 30 percent of the gate costs and 100 percent of the floodwalls.

"At every turn of their deliberations, the OLB appeared to focus on getting as much as they could (dollar value and protection) from the federal entity (Corps of Engineers) charged with design and construction of the new system," Rogers said.

"I think it's also important to remember that 30 years ago, Corps of Engineers projects were considered the 'gold standard,' and most people thought they tended to over-engineer things," Rogers said.

The corps, meanwhile, was aware that Louisiana's Congressional delegation wanted the best protection and would prefer the cheaper alternative. In addition, the corps had already determined that the gate was not acceptable for the 17th Street Canal, which carried a much larger volume of rainwater to the lake.

"I could not fault the OLB for lobbying for the same style protection plan for the Orleans and London canals as the corps had previously recommended for the 17th Street Canal," Rogers said.

He now also doesn't blame the levee board for allowing the corps to build the failed 17th Street Canal floodwall, since it was the corps that designed the wall and assumed it would work.

"The corps studied and researched the I-wall scheme for at least a year, before moving ahead with the final designs," Rogers said. "The design of the flood walls appear to have been a group decision, not something that was 'forced' on the corps against their will (which is how various members of the Corps NOLA District informally represented the historical progression to me in late 2005, while I was doing my background research)."

The problem with the 17th Street Canal and London Avenue Canal flood walls resulted from the corps' misinterpretation of a study it had conducted of a similar I-wall design in the Atchafalaya Basin. That study, referred to as the E-99 study, was used by the corps to conclude that metal sheet piles beneath the 17th Street Canal floodwall need only extend to 17 feet below the surface.

The corps misinterpreted the study's findings, concluding that sheet piling that extended deeper would not significantly increase the stability of the I-walls under the short-term loading conditions during a hurricane, meaning the amount of time high water would be on the wall would likely only be a few hours.

"The misinterpretation occurred apparently because the corps had draped a tarpaulin over the gap that formed between the bases of the deflecting sheet piles and the soil in which they were embedded, so they did not see the gap," the report said. "The tarpaulin was there for safety and to stop water that would seep through the interlocks. Failure to include the gap in interpretation of the test results introduced unconservatism in the final designs based on these tests. It allowed the use of shorter sheet piles, and reduced overall flood protection reliability."

The use of the shorter pilings resulted in a \$100 million savings in the cost of the walls, the report said.

Post-Katrina studies indicated the sheet piling should actually have extended 31 to 46 feet below the surface to assure that the weight of water in the canal didn't cause a similar crack between the pilings and the soil and allow water to seep beneath the wall, which is believed to have been what caused the wall to slide into the Lakeview neighborhood despite the canal water level being as much as 5 feet below the wall's top.

A similar failure method occurred on the London Avenue Canal, the study said.

"The London Avenue Canal was breached in two locations on either side, and both failures occurred at surge levels more than four feet below design specifications," the report said. The failures occurred, in part, because water in the canal was able to seep into a deeper layer of sand and pipe its way beneath the walls, adding to their instability.

Rogers said the drive-by levee inspections that had been criticized in the aftermath of Katrina as not uncovering problems with the floodwalls would not have uncovered the London Avenue Canal problems.

"Hydraulic piping of fine grained soils isn't something that's going to be revealed through visual inspection ahead of a flood event," he said.

The Orleans Avenue Canal floodwalls didn't breach, in part, because a section of wall and earthen embankment along its eastern side was significantly lower than the proper design height, forming a floodway for water that flowed into City Park.

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EDUCATION AND HEALTH

It was tooth and nail to get fluoride in water supply

By Daniel Pérez, Staff Writer | August 8, 2015 | Updated: August 9, 2015 5:50pm

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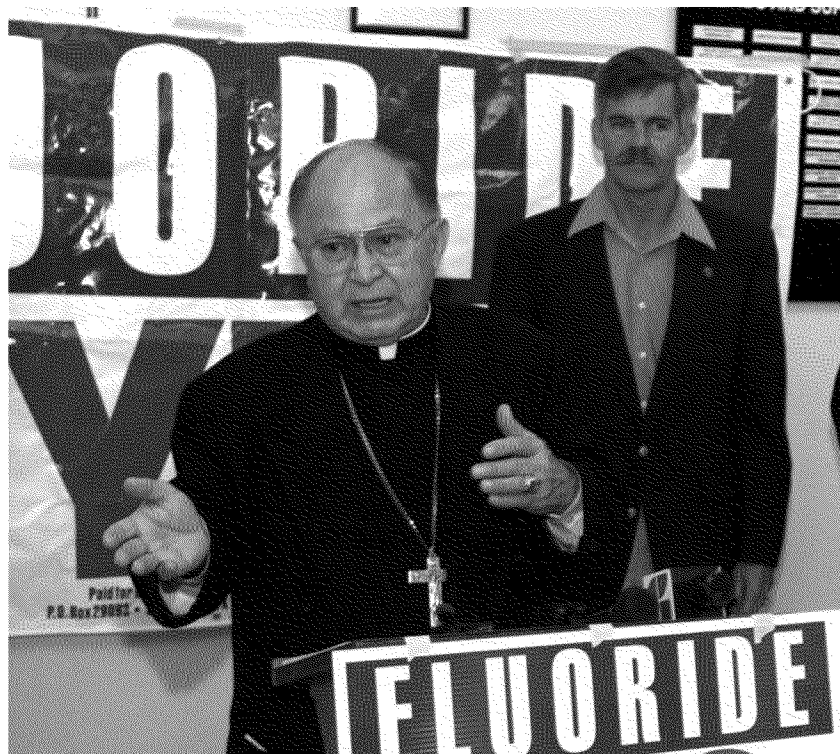




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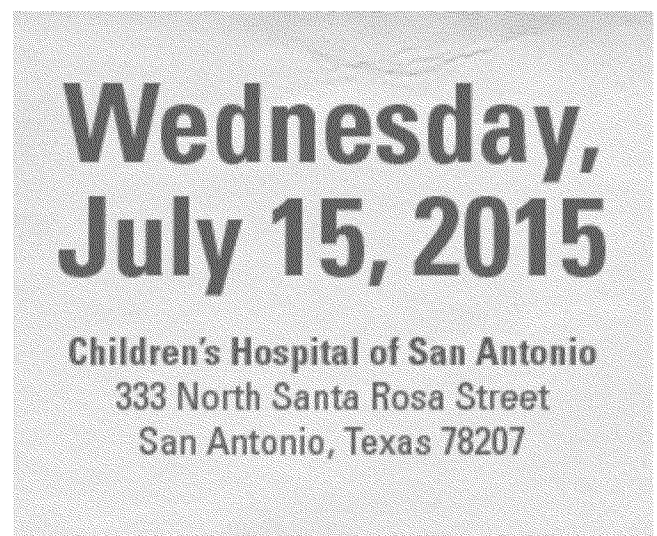
Archbishop Patrick Flores speaks about fluoride with Mayor Howard Peak at the Barrio Comprehensive Family Health Care Center. The bishop urged people to get out and vote.

The fluoridation of San Antonio's water was a contentious source of debate for 15 years before its final approval by voters in 2000.

For years people were afraid of adverse effects despite the benefits shown by the scientific community. Until 2002, San Antonio was the largest city in the U.S. without fluoride in its public water supply.

Opponents such as Kay Turner, who spearheaded the opposition, said that this distinction should be a point of pride for San Antonio residents. But it was an embarrassment for former councilman and Mayor Ed Garza, who supported fluoridation.

"Especially given our demographic with all of the dental issues ... in our community — it was clear we needed to put it before the voters to give them the information, and let them make the decision," said Garza. "She (Turner) was prepared with her data and her info. I respected her for being a formidable leader in the city, but I was confident that voters would make the right decision, given enough time to go over the information and get educated on the issue."



Nelson Wolff was elected to the city council in 1987, right after the first attempt to fluoridate San Antonio's water had failed. Although he had no primary role in its implementation, he did campaign in favor of having fluoride in the municipal water supply.

"It was what I would consider a devastating defeat for dental and public health," said Wolff.

When the voters finally passed it into law, Wolff was shocked by how close the vote still was with only a 52.65 percent majority.

"All of the military bases have had fluoridation in their water way before us, and no one really cared about that," said Wolff. "It's one of those spooky scary things that people get wrapped up about and refuse to look at the issues."

Henry Cisneros had tried to fluoridate the water in 1986 but was defeated. The fear of cancer from fluoridation, supposed communist plots to control Americans and big government tyranny in small communities barred him from being able to pass it during his time as mayor along with the novelty of trying to pass citywide legislation in that decade.

"I think a good part of that was my fault. We later learned how best to organize when we wanted to pass

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It was tooth and nail to get fluoride in water supply



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something citywide. We hadn't quite learned it by that point, so we didn't make our best all-out effort, but thankfully later under Howard Peak we were finally able to break down the wall of opposition," said Cisneros. "People like Ed Garza, who was up and coming in city council, were able to make the case to the public in an effective way."

Turner and her constituents raised awareness of their cause through a grass-roots effort. She and other people against the chemical called it poison and maintained that the health risks associated with fluoride outweighed the benefits.

However, the Center for Disease Control and Prevention has said that fluoridation of public water supply is among the top 10 public health achievements of the 20th century. The United States has a national goal of having fluoridated water for more than 80 percent of Americans by 2020.

Having healthy levels of fluoride in public drinking water prevents tooth decay and strengthens teeth, according to the CDC. Additionally, various international research institutions have continued to study the effects of fluoride and how people have developed with it over time.

The most common side effect is dental fluorosis, a condition in which people get darkened or stained teeth. The main concern with this result of excess exposure to fluoride, typically through toothpastes that contain the chemical, is aesthetic.

A lifetime of excessive exposure can cause an increased likelihood in bone fractures among adults and may result to bones having pain and tenderness, according to the Environmental Protection Agency.

Because of the potential problems that can occur with excess fluoridation, Congress passed the Clean Water Drinking Act in 1974, which mandates that the EPA should determine the level of contaminants in drinking water at which no adverse health effects are likely to occur.

Fluoridated water reduces tooth decay in children and adults by 25 percent. In

communities that have fluoridated water, children have an average of two fewer decaying teeth than areas without access to it, according to the CDC.

Fluoride itself, maintenance and lab testing cost the San Antonio Water System \$592,820 in 2012. That averages out to 42 cents per person according to the 1.38 million people living in San Antonio at the time.

Kevin Donly, D.D.S., professor and chair of the Department of Developmental Dentistry at The University of Texas Health Science Center at San Antonio has been pro fluoridation throughout his entire career.

“... lower socioeconomic kids had higher rates of dental caries (cavities), and what I love about fluoridated water is that you get it no matter where you are — if you drink it at school or at home,” said Dr. Donly. “I recommend people who have any questions go to the American Dental Association website and read about fluoridation. They have done exhaustive research, and gosh, it’s just overwhelming positive benefit.”

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Big problem with Amite River means bad news for boaters, freshwater fish, plant life

Repairs to diversion canal for Amite River needed to restore flow

By Steve Hardy

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A man-made canal is draining the Amite River dry, and to save it, officials will have to redirect the flow.

In the 1950s, the U.S. Army Corps of Engineers dug a diversion canal linking the flood-prone Amite River to Blind River. Crucially, to regulate the flow between river and canal, they built a weir — an underwater rock wall that directs most of the stream into the Amite but allows drainage into the canal during periods of high water.

But the old weir has worn down, and now most of the Amite flows straight into the canal, with little water following the bend in the river.

Under normal circumstances, 70 percent of the water should continue into the lower Amite. Now it's down to 20 percent, said Tom Killeen, administrator of the Inspection Division of the Louisiana Department of Environmental Quality.

In addition to lowering water levels, there are less obvious repercussions. Left unchecked, the river will continue to lose oxygen, will become saltier and will experience a buildup of sediment — bad news for boaters, freshwater fish and plant life.

Officials have begun designing repairs to the weir, though no one has found money for the project, and any completion date is still probably years in the future.

The river is not yet in crisis, said Amite River Basin Commission Executive Director Dietmar Rietschier.

“This is something that eventually, sooner or later, has to be rectified,” he said.



Advocate staff photo by BILL FEIG — A boater zips past signs marking where a worn-down rock weir is drying up the Amite River.

But concerns already are surfacing.

“I know the lower end of the Amite is seeing some problems,” said Head Commissioner John Templet, of the Ascension Waterways Commission.

People complain to him that the river is stagnant during dry periods. Once, the Amite was between 6 and 10 feet deep where it meets Lake Maurepas, but now it can get down to 4 feet, Templet said.

“You’ve got significantly shallower water, just from silting,” he said.

When a river runs swiftly, it carries sediment with it. But when the water slows down, it deposits soil and sand, which can further choke the way.

A 2007 Amite River Basin Commission study found that when the upper Amite was at “medium flow,” the water sped along at 3,680 cubic feet per second. Upon hitting the weir, the water continued into the canal at a brisk 3,490 cfs. However, the flow down the lower river plummeted to just 657 cfs. During low water, the river crawled at 12 cfs.

Worse, it sloughed backward, returning the water toward the canal.

Besides dropping silt, slogging water fails to aerate the river. The 2011 DEQ study found the lower Amite is no longer meeting the requirements to be considered a site for fish and wildlife propagation, and the department pointed to low levels of dissolved oxygen as a primary cause.

Killeen said the department hasn’t specifically studied the river’s fish but said anglers already have noticed that they aren’t catching what they used to.

Beyond the bank, the nearby cypress and tupelo swamps depend on a healthy river as well, Killeen said. They need fresh water and nutrients from the Amite, and even now, if a big storm flushes Lake Maurepas brine into the marshes, the trees could suffer.

The good news is that when the weir is fixed, the downstream systems should start improving quickly, he said.

However, the work that has begun is still in the early stages. The Ponchartrain Levee District has paid \$130,000 for engineers to begin designing repairs, seeking permits and looking for funds. The work began in June and is expected to take until early next year, said Ponchartrain Levee District Executive Director Monica Salins. At that point, the district will turn the project back over to the basin commission and local government.

It remains unclear how much the repairs to the weir might cost and how long the project will take.

Rietschier hopes to finish within two or three years, though it will depend on permitting and financial backing.

He has wanted to work on the project since the commission's 2007 study but said issues with the Comite River Diversion Canal demanded the organization's attention.

The weir, which sits a few feet inside Ascension Parish, has generated discussion in the parish.

Local government is waiting for the levee district to finish its work and will talk with the basin commission but has not yet become involved in the repairs, said public information officer Lester Kenyon.

He said it is unclear what involvement Ascension might have with the project in the future.

While the weir is within Ascension, most of the lower Amite runs through Livingston Parish.

"We understand the water's not doing what it's supposed to do because of that weir," said Parish President Layton Ricks, adding that Livingston would help look for money to pay for the repairs.

"We're there in a supportive role more than anything," he said. "The grant dollars just don't flow like they used to."

State Rep. Clay Schexnayder, R-Gonzales, pledged his support.

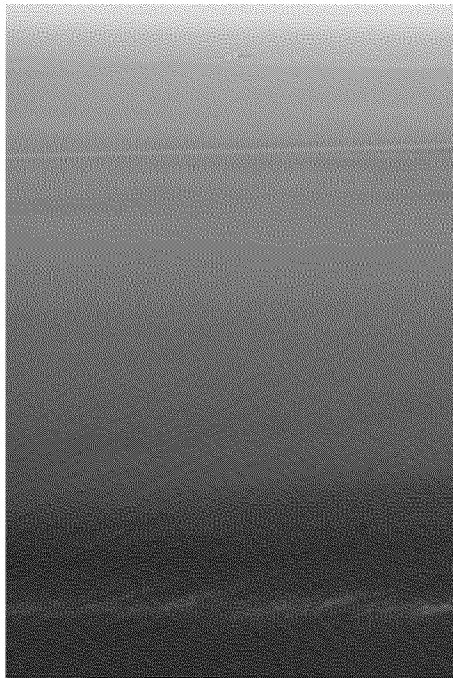
"The weir has been a problem for a while now, and nothing has been done. ... The lower part of the Amite River is starting to silt in," he said. "If we don't get water flow down the Amite River ... we're gonna lose a lot of trees, a lot of fish, a lot of water — natural water, fresh water."

Officials said that once the weir is repaired, they can begin looking at solutions to the settled sediments. Fixing the weir may push enough water downriver to push silt out, though dredging may be necessary.

First, though, the underlying problem needs to be fixed.

"Nobody has really been maintaining the weir," Rietschier said. "The weir has settled over the years. It needs to be brought back to the standard."

A balloon, camera and plastic bottle help NOLA students track wetlands' health, web magazine reports



TED JACKSON / THE TIMES-PICAYUNE The muddied waters coming into Lake Pontchartrain from the Bonnet Carré Spillway create patterns as the spillway continues to divert flood water from the flooded Mississippi River, Friday, June 3, 2011. Spokesmen with the US Geological Survey report that coastal Louisiana has lost wetland area the size of Delaware, equaling 1883 square miles over the past 78 years.

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By **Angel Thompson, NOLA.com | The Times-Picayune**

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on August 10, 2015 at 9:00 AM, updated August 10, 2015 at 9:03 AM

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Travis Haas' academic studio students at the **New Orleans Center for Creative Arts** are using a plastic soda bottle, helium balloons and a camera to track the health of the wetlands in the New Orleans area, **Slate reported**.

During a field trip last fall, students mapped devastation as well as progress of restoration of the wetlands along Lake Pontchartrain. They

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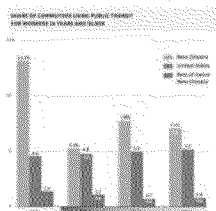
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